

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.No.M-5443 of 2018 (O&M)

Date of Decision: February 09, 2018

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.DS Sobti, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of pre-arrest bail in FIR No.10 dated 17.8.2017, registered under Sections 406, 409, 420, 467, 468, 471, 477-A & 120-B of Indian Penal Code and Sections 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Phase-1, Mohali.

2. Learned counsel for the petitioner has been heard at length.

3. A co-ordinate Bench of this Court while dealing with petitions filed by co-accused, namely, Gurdev Singh Syan, Vimal Sharma, Gurinder Singh, Gulshan Nagpal, Harvinder Singh and Bajrang Lal Singla and while declining concession of pre-arrest bail had summarized the allegations leading to the registration of the FIR in the following terms:

“The sum and substance of the FIR in question is that during the period of about last 7/8 years, higher

authorities in the Punjab Government, Engineers from Irrigation Department and other officers by misusing their official position/power connived with Gurinder Singh contractor and indulged into allocation of works worth ₹1,000/- crores to the said contractor alone that too on the rates more than 50% of the departmental rates. The object of e-tendering was to maintain mutual secrecy in the Department and the bidders but the officers of the Department concerned, Engineers and all those, by using their official power hatched criminal conspiracy with the said contractor and gave rise to the total fraud causing severe loss to the Government of Punjab. It is stated that pre-bid meeting was made essential for allocation of major job works so that all the bidders in the field be introduced to each other and their mutual deals be got struck down and the job work may be allocated to Gurinder Singh contractor on his desired rates by forming a cartel. In a major contract for laying of pipes in water logged area, rules were violated in order to sideline other A-1 Class contractors on panel of the Department in order to throw them out of the competition and as such, the tender and its terms and conditions were tailor-made by keeping in view and mind the experience and annual turn-over of Gurinder Singh contractor so that the said contractor alone who would be successful in getting all the works. The

conspiracy was made in such a manner that finally the said contractor would alone be the successful bidder that too at higher rates, thereby causing unjust enrichment to the contractor and causing loss to the Government of Punjab. The officers of the Department had hatched plan to allocate even small amounted works to Gurinder Singh contractor by clubbing into single. Consequently, works in far off places in various districts and divisions were deliberately clubbed to make one big amounted tender with a pre-planned strategy to allocate the entire works to Gurinder Singh contractor that too on higher rates. In some of the tenders of works having DNIT, the accused persons had played trick deliberately by not mentioning the actual work, quantum of work so also the required technical specifications as a result of which, the possible proposed contractors who could have participated were deprived of the opportunity of knowing the details of DNIT and could not participate. All that was done with a view to ensure allocation of works to Gurinder Singh contractor alone. The net result of the entire unholy activities on the part of the accused persons was that Gurinder Singh contractor whose annual turn-over was only ₹4.74 crores in the year 2006-2007 suddenly increased to ₹300 crores in 2016-2017 without any justification whatsoever. That is substantiated by the fact that Gurinder Singh

contractor gained countless movable and immovable properties from the illegal income received as a result of frauds, forgery etc. All the eight accused persons including the said contractor have acted in collusion with a view to have wrongful gain to them and cause wrongful loss to the Government of Punjab.”

4. Present petitioner was stated to be in the employment of the Contractor as an Accountant. Petitioner is sought to be implicated in the case on the basis of statement of one Gursewak Singh son of Harbhajan Singh on the allegations that he, along with other accused, had taken away the record of the firm of Gurinder Singh (Contractor) in gunny bags from the office of the firm.

5. Against the backdrop of the allegations leading to the registration of the FIR and the record of the firm of the Contractor, which is stated to have been taken away by the present petitioner, it would be vital for a complete and thorough investigation of the case which may well warrant custodial interrogation of the petitioner.

6. This Court, accordingly, is not inclined to extend in favour of the petitioner concession of pre-arrest bail. Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

February 09, 2018

SRM

Note:	<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
	<i>Whether Reportable?</i>	<i>Yes/No</i>