

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

265

CRM-M-5407-2019 (O&M)

Date of Decision : 15.2.2019

Ravi Kumar

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vikas Cuccria, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

CM-5705-2019

This is an application for adding Sections 201, 409 and 477-A IPC in FIR No.10 dated 17.8.2017 at police station Vigilance Bureau, Flying Squad, Mohali (Punjab).

For the reasons recorded, the application stands allowed and Sections 201, 409 and 477-A IPC are added in the abovesaid FIR.

Main Case

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.10 dated 17.8.2017 registered under Sections 406, 420, 467, 468, 471, 477, 120-B, 201, 409 and 477-A IPC, 1860 and Section 13 (1) (d) read with Section 13 (2) of Prevention of Corruption Act, 1988 at police station Vigilance Bureau, Flying Squad, Mohali

(Punjab).

The allegations were that over a period of 10 years one Gurinder Singh had emerged as a favorite contractor (for obvious reasons) and ultimately work was allotted to him at the higher rates and so forth. Further, tender documents were made to ensure that he was eligible. Then payments were released to him without ensuring that work allotted to him was completed or not. As a result thereof, losses to the tune of hundreds crores were caused.

Counsel for the petitioner has argued that the petitioner has been in custody for 8 months and 1 day. He has argued that many of the officials were not at all arrested by the Vigilance Department and challans were presented without arresting them, some officials were released on anticipatory bail, other officials were released on regular bail. As per him, the main reason why bail should be granted is because different treatment meted out by the prosecution itself to present challans in some cases without arresting officials and resorted to arrest in other cases.

Custody certificate dated 15.2.2019 by way of affidavit of Ramandeep Singh Bhangu, P.P.S. Deputy Superintendent, New District Jail Nabha has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. The custody certificate corroborates the fact that the petitioner has been in custody for 8 months and 1 day.

On instructions from AIG -Ashish Kapoor, learned Addl. A.G is not in a position to deny these factual assertions. He has however argued that the petitioner being Executive Engineer had a higher responsibility to

ensure the quality of the work.

In these circumstances, without commenting on the merits of the case, keeping in view the above facts, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly, Bail to the satisfaction of the concerned Trial Court/Duty Magistrate/Illaqa Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

15.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No