

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 09.04.2019

1. CRM-M No.13181-2019 (O&M)

Gaurav Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

2. CRM-M No.13214-2019 (O&M)

Gaurav Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.S.Walia, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two petitions.

CRM-M-13181-2019 has been filed for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.510 dated 21.08.2018 registered under Sections 167/409/420/467/468/471/120-B IPC read with Section 8/9/13 C of the Prevention of Corruption Act, 1988 at

Police Station Civil Line, Hisar, District Hisar.

CRM-M-13214-2019 has been filed for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.511 dated 21.08.2018 registered under Sections 167/409/420/467/468/471/120-B IPC read with Section 8/9/13 C of the Prevention of Corruption Act, 1988 at Police Station Civil Line, Hisar, District Hisar.

Replies dated 04.04.2019 filed by way of affidavit of Amarjeet Kataria, HPS, Deputy Superintendent of Police, Hisar on behalf of State are taken on record. Copies supplied to the counsel opposite.

As per allegations in the FIR, one contractor of the DHBVN managed to siphon off an over payment of more than Rs.4.00 crores in connivance with the field staff and the financial staff of the Nigam. The petitioner is the Section Officer.

The primary contention of the learned counsel for the petitioner is that even as per the FIR the point man was the Executive Engineer, who had verified the bills of the contractor yet that Executive Engineer was granted the concession of anticipatory bail.

Learned State counsel on instructions from HC Manjit has accepted that that Executive Engineer was granted anticipatory bail but has argued that order was wrongly granted since he has accepted that the lynch-pin was the Executive Engineer concerned.

In my opinion, if the prosecution felt that anticipatory bail was wrongly granted to the Executive Engineer they could have well challenged it. Having not challenged it and acquiesced in the same does not now lie in their mouth to argue that the bail was wrongly granted to the Executive

Engineer and once I accept that bail was granted to the Executive Engineer there is no reason why the same relief may not be granted to the present petitioner.

In the circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, the petitions are allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the Investigating Officer on 16.04.2019 and on any other date as and when his presence is required.

Since the main cases have been decided, the pending criminal miscellaneous applications, if any, also stand disposed of.

09.04.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No