

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

Criminal Misc. No.M-46794 of 2019(O&M)

Date of Decision: November 13, 2019

Vinod Chaudhary

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.S.Rai, Senior Advocate with
Mr.Anurag Aroga, Advocate for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.10 dated 17.08.2017 under Sections 406, 409, 420, 467, 468, 471, 477-A, 201, 120-B IPC read with Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, Police Station Vigilance Bureau, F.S.I, SAS Nagar, Mohali, District Mohali.

The petitioner is a retired Chief Engineer, Water Resources Department, Punjab.

The allegations in the FIR were that Gurinder Singh who was a Government Contractor, in connivance with the officials/officers of the Irrigation Department had got a contract of more than Rs.1000 crores. The quotations submitted were based on false quotes. The rates quoted by the contractor and approved by the officers were 2-2½ times higher than the market rates. Thus, the estimate was highly inflated over the actual value

and huge loss was caused to the State exchequer. Even the conditions in the

standard bid document were changed in order to benefit Gurinder Singh Contractor.

The petitioner fully cooperated with the Investigating Agency during investigation. Initially, challan was filed in which the petitioner was not named. Thereafter, a supplementary challan under Section 173(8) CrPC was presented on 08.05.2019 in which the petitioner was named as an accused along with others. However, it was specifically recorded therein that as the petitioner was assisting in investigation of the case, the supplementary challan was being filed against him without taking him into custody.

Thereafter, the petitioner applied for anticipatory bail, which was declined by the Trial Court on 25.07.2019. He approached this Court seeking anticipatory bail (CRM-M-33483-2019) and vide order dated 20.08.2019 his arrest was stayed. Vide order dated 24.09.2019 the order dated 20.08.2019 was modified to the extent that the petitioner shall join proceedings before the Trial Court. In compliance therewith, he joined proceedings before the Trial Court. The anticipatory bail application was disposed of vide order dated 01.10.2019 with the observation that in case the petitioner moves an application for regular bail before the Trial Court, the Trial Court would decide the same within one week.

Thereafter, the petitioner applied for regular bail before the Trial Court, which was dismissed vide order dated 16.10.2019.

Learned counsel for the petitioner has argued that the petitioner was not taken into custody during investigation and the supplementary challan against him was filed without taking him into custody. Out of the 30

accused in the case 28 accused have already been granted bail. During

investigation 05 accused including the petitioner had not been arrested. All of them except the petitioner have been granted regular bail.

While appearing for the respondent – State Mr.Gaurav Garg Dhuriwala has not opposed the grant of bail to the petitioner.

In view of the above without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 13, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No