

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

**CRM-M No.51677 of 2019
Decided on: 11.12.2019**

Jagdev Singh Mor

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Partap Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.17 dated 07.12.2018 under Sections 409, 418, 467, 468, 471, 477-A, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), 13(1)(c), 13(1)(d)(i), 13(1)(d)(ii) and 13(2) of the Prevention of Corruption Act, 1988 (in short 'the P.C. Act') registered at Police Station SVB Karnal, District Jind.

Counsel for the petitioner has argued that as per the allegations in the FIR, while releasing the payment to the contractors Manjeet Singh and Angrej Singh, the signatures of the authorized persons were forged. It is further submitted that the petitioner was working as Sub-Divisional Engineer, at the relevant time and as on today, he stands retired and is in custody since 12.09.2019.

Counsel for the petitioner has relied upon the orders dated 15.11.2019 passed in CRM-M Nos.45585, 37338 and 42209 of 2019,

vide which 03 of the co-accused namely Manjit Kumar, the contractor who was working in the Sub-Division of the petitioner as well as the other contractors namely Angrej Singh and Amrik Singh have been granted the concession of regular bail by passing the following order:-

“...Broadly the allegations in the FIR are that Dharamvir Singh, Public Health Engineer, Circle Jind, vide letter dated 18.8.2016, intimated that Amrik Singh, Sub Division Engineer, PHESD No. 1 Jind, Suresh Kumar, Sub Divisional Clerk, PHESD, Safidon and Subhash, Sub Divisional Clerk, PHESD, Division No. 1 Jind, had defrauded the Government for an amount approximately Rs. 24,84,745/- by fabricating bills, forging signatures in connivance with Angrej Singh and Manjeet (petitioner), Government Contractor. An inquiry was conducted by the Superintending Engineer, Vigilance. The inquiry substantiated the allegations against the accused.

It is the case of prosecution that during the investigation, it has come out that illegal gratification has been paid to Bhanu Parkash, XEN, SDO Jagdev Mor, Amrik Singh, JE, Subhash Chander and Suresh Kumar. When the matter came in the open, on the oral instructions of XEN Bhanu Parkash, the amount of illegal gratification received by those officials was deposited by them in the Government account, particulars whereof are as under :-

Amount received as illegal gratification

<i>Bhanu Parkash XEN</i>	<i>Rs. 50000/-</i>
<i>Amrik Singh SDE</i>	<i>Rs. 50000/-</i>
<i>Subhash Chander</i>	<i>Rs. 10000/-</i>
<i>Suresh Kumar Clerk</i>	<i>Rs. 10000/-</i>
<i>Jagdish Nain</i>	<i>Rs. 10000/-</i>

Amount deposited by officials as under

<i>Amrik Singh SDE</i>	<i>Rs. 993899/-</i>
<i>Surseh Kumar SDE</i>	<i>Rs. 745423/-</i>
<i>Subhash Chander</i>	<i>Rs. 745423/-.</i>

The allegations against the petitioner herein is that he has prepared forged bills and fake signatures of SDO/Clerks were obtained on the bills. Forged page numbers of measurement books were pasted on the bills.

The learned counsel for petitioner has contended that the petitioner is in custody since 14.7.2019. The investigation in the case is complete and challan has been presented. No loss has resulted to the State as the entire amount has been deposited in the Government account. The entire case is based on documentary evidence.

Without commenting anything on merit of case and also bearing in mind the fact that petitioner is in custody since 14.7.2019, no useful purpose would be served by keeping him behind bars. Hence, petition is allowed. He is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

However, if petitioner indulges in any activity of similar nature, while on bail, prosecution agency will be at liberty to seek cancellation of order granting bail to petitioner.”

Counsel for the petitioner has further submitted that the entire amount already stands paid by the relevant persons and no recovery is to be effected from the petitioner. It is further argued that even 02 other co-accused namely Suresh Kumar and Subhash Chander, have also been granted the concession of regular bail vide order dated 29.11.2019 passed in CRM-M Nos.48376 and 49181 of 2019.

Counsel for the State, on instructions from SI Baljeet, has however, argued that the petitioner has verified certain bills to the extent of Rs.6.50 lacs, however, it is not disputed that the contractor Manjit Singh has already repaid the entire amount which is noticed in

the order dated 10.11.2019 while granting bail to him.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 12.09.2019; the entire amount already stands paid by the co-accused; the co-accused of the petitioner have already been granted the concession of regular bail and no recovery is to be effected from the petitioner; the custodial interrogation of the petitioner is no more required and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

11.12.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No