

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

**CRM-M No.6418 of 2020(O&M)
Date of Decision: 04.03.2020**

Dinesh Kumar Sharma

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Aditya Jain, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

CRM No.7119 of 2020

For the reasons mentioned in the application, the same
is allowed.

Additional offences are allowed to be brought on record
subject to all just exceptions.

CRM-M No.6418 of 2020

Petitioner seeks grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.352 dated 01.10.2018 registered
under Sections 420, 467, 468, 471, 167, 120-B IPC and
Sections 8, 9 and 13 of the Prevention of Corruption Act at

Police Station Civil Line, Jind.

Allegations are of criminal conspiracy involving in-action on behalf of the petitioner who was Executive Engineer, DHBVN, Jind at the relevant time. FIR was registered on the basis of inquiry report submitted by Inquiry Officer-cum-SE(OP) Circle DHBVN, Jind to the Chief Engineer/OP DHBVN, Hisar on 09.08.2018. The inquiry was conducted in the context of work carried out by M/s Duhan Electric Works, Hisar against TED-260 under (OP) Circle, DHBVN, Jind. In the said inquiry report, it was opined that proper procedure was not followed by the petitioner. Inquiry Officer called the officers/officials concerned for recording their statements and after recording their statements, he found that Jora Singh, AFM verified the bills without physically verifying the material at site. Dharampal, JE verified the bills without physically verifying the material at site and he did not check the inspection and DI's of material. Baljeet Singh, the then HDM (OP) Divn., Narwana did not check the inspection and DI's of material before verifying the bills. Similarly, Anil Kumar, the then Divisional Accountant, Narwana also did not check the inspection and DI's before verifying the bills. These observations were made by the Inquiry Officer in respect of first running bill which was signed by the authority when 90% of the work was completed. Thereafter, second and

final bills were submitted which are claimed to be forged at the instance of contractor Kuldeep Singh. The Inquiry Officer in that context has observed that most of the officers have denied to have signed the bills and these bills carry false signatures. It was proposed by the Inquiry Officer that the signatures be verified from designated agency of the Government of Haryana for further verification. In respect of aforesaid Jora Singh and Dharampal, Inquiry Officer has observed that the officers have verified the bills without physically verifying the material at site and they have verified the bills in excess from the work order. Similar observations were made qua Sunil Kumar, JE and Kishori Lal, AFM. In respect of Baljeet Singh, the then HDM (OP) Divn., Narwana, observations were made that he did not check the inspection and DI's of material and physical progress of work before verifying the bills. He also verified the bills in excess from the work order. Similar observations were made qua Anil Kumar, the then Divisional Accountant, Narwana.

It is not in dispute that Baljeet Singh and Jora Singh were granted regular bail by this Court vide order dated 07.12.2019 passed in CRM-M No.41541 of 2019 and CRM-M No.41662 of 2019 respectively. Contractor Kuldeep Singh has also been granted regular bail by this Court vide order dated 19.09.2019 passed in CRM-M No.23305 of 2019. Co-accused

Dharampal, Anil Kumar and Sunil Kumar have already been granted regular bail by this Court vide order dated 10.01.2020 passed in CRM-M No.43292 of 2019, CRM-M No.43606 of 2019 and CRM-M No.51191 of 2019 respectively. There are total 18 accused, out of which inquiry is pending against 10 accused. Out of remaining 8 accused, 7 accused have been granted bail. Petitioner is the only left out accused in the FIR who was arrested on 25.10.2019. Loss caused to the Nigam appears to be handiwork of all the accused persons whose complicity is yet to be established with reference to material collected by the prosecution at the trial.

At one point of time, bail of contractor Kuldeep Singh was sought to be cancelled while deciding the bail application of the co-accused. This Court vide order dated 10.01.2020 has declined to cancel the bail of contractor Kuldeep Singh as he is not found to have misused the concession of regular bail.

Since the petitioner is in custody since 25.10.2019 and other co-accused have been granted regular bail by this Court, therefore, at this stage, without meaning anything on merits of the case, I deem it appropriate to grant similar treatment to the petitioner.

Let the petitioner be enlarged on regular bail subject to his furnishing adequate bail bonds/surety bonds to the

satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove, would be construed to be an expression of any opinion on merits of the case.

04.03.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No