

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12161-2020
Date of Decision:-27.07.2020.

(1.)
Smt. Poonam

.....Petitioner

Versus

State of Punjab and another

.....Respondents

(2.)

CRM-M-13568-2020

Parminder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Lovish Arora, Advocate for the petitioner in
CRM-M-12161-2020.

Mr. Kanwaljeet Singh Brar, Advocate for the petitioner in
CRM-M-13568-2020.

Mr. Suveer Sheokand, Additional A.G., Punjab.

Mr. Achin Gupta, Advocate for the second respondent-
complainant in both cases.

SANJAY KUMAR, J. (Oral)

The petitioners in these two cases seek anticipatory bail in

Complaint Case No.PC/34/2013 dated 01.08.2013, titled '*Sanjeev Kumar Vs. Smt. Poonam and others*', on the file of the learned Additional Sessions Judge, Faridkot. This complaint case was registered under Sections 7 and 13 (2) of the Prevention of Corruption Act, 1988 (for short, 'the Act of 1988') and Sections 420, 465, 467, 468, 471 and 120-B IPC.

By order dated 12.05.2020 passed in CRM-M-12161-2020, this Court directed that Poonam, the petitioner therein, be released on ad interim anticipatory bail in the event of her arrest in the complaint case upon furnishing security to the satisfaction of the arresting officer. A similar order was passed in CRM-M-13568-2020 on 02.06.2020, directing release of Parminder Kumar, the petitioner therein, on ad interim anticipatory bail upon furnishing security to the satisfaction of the arresting officer. Both the petitioners were directed to abide by the conditions prescribed in Section 438 (2) Cr.P.C.

While so, Mr. Achin Gupta, learned counsel for the second respondent-complainant in both cases, filed separate replies opposing these bail petitions.

Heard.

The second respondent-complainant is none other than the brother-in-law of Poonam, the petitioner in CRM-M-12161-2020, being the elder brother of her husband. It appears that her relations with her in-laws, including the complainant, are strained and she also got a case registered against them under Sections 406 and 498-A IPC.

Poonam is in service, being a Government Primary School ETT Teacher. Alleging that she had committed various irregularities in relation

to the leaves availed by her, in connivance with other employees of the Education Department, the complainant initially got registered FIR No.91 dated 15.09.2020 on the file of Police Station Jaitu, District Faridkot, under Sections 7 and 13 (12) of the Act of 1988 and Sections 420, 465, 467, 468, 471 and 120-B IPC. However, the police filed a cancellation report before the trial Court after completion of investigation. Aggrieved thereby, the complainant raised objections before the trial Court and the case was sent to the police for re-investigation. It is at this stage that he filed the subject Complaint Case dated 01.08.2013. When a status report was called for by the trial Court in relation to the pending re-investigation, another cancellation report came to be submitted by the police. The complainant again raised objection and the same was directed to be attached with the complaint case.

This Court is informed that the learned Additional Sessions Judge, Faridkot, was designated as a Special Judge under Section 3 of the Act of 1988 and would therefore have jurisdiction to try the case. As to whether the allegations levelled by the complainant would make out an offence under Sections 7 of the Act of 1988 is however a different matter and would have to be considered by the trial Court. Be that as it may.

Parminder Kumar, the petitioner in CRM-M-13658-2020, is also a Government Primary School Teacher and he is alleged to have connived with the petitioner in the commission of irregularities.

In his replies filed in these two cases, the second respondent-complainant merely reiterated his allegations against the petitioners and asserted that the State Exchequer was adversely affected by their actions.

He sought to place reliance on orders passed long back in the year 2012, but the same are of no avail to him at this stage, given the fact that the police thereafter filed cancellation reports before the trial Court after completion of the investigation.

Given the aforestated facts and sequence of events, apart from the inescapable fact that the police submitted two cancellation reports after due investigation, this Court is of the opinion that it would suffice if the petitioners face trial in the complaint case and their custodial interrogation would not be required now. Both the petitions are accordingly allowed, making absolute the ad interim anticipatory bail already granted, upon furnishing security to the satisfaction of the arresting officer. The petitioners shall also abide by the conditions prescribed in Section 438 (2) Cr.P.C.

(SANJAY KUMAR)
JUDGE

July 27, 2020.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.