

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16601-2020(O&M)

Date of decision: 11.08.2020

Gurchanan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vikas Gupta, Advocate for the petitioner

Mr. V.G.Jauhar, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 7.7.2020, the following order was passed by this Court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 209 having been registered against him at Police Station Sadar, District Tarn Taran, on 11.08.2019, alleging therein the commission of offences punishable under Section 409 and Section 120-B of the IPC and Section 13 (2) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner refers to paragraph 3 of the order of the learned Additional Sessions Judge, Tarn Taran, dated 10.01.2020, by

which the petition filed under the provisions of Section 438 Cr.P.C., before that court was rejected.

The said paragraph reads as follows:-

“3) Tersely put, the present FIR was registered on the inquiry conducted by ADC, Tarn Taran on which found that one of their operator Gurcharan Singh working at TYPE-1 Sewa Kendra at Tarn Taran was approached by the DTC Mr. Amrinder Singh and was told that all the application relating to renewal of ARMS license with late fee be sent directly to him after scanning the documents on his personal email ID as the money received with these application was to be directly deposited by him to department of governance reforms. On further investigation it was also found that said DTC Amrinder Singh in response to an officials mail dated 29.05.2019 wrote that “ there are some application where fee has not been deposited by the service provider” however this is not the factual position. As the matter of fact the application were not processed through

the officials PSP/e-sewa portals and all such applications which are approx, 495 number were processes by the DTC Amrinder Singh on his own and send PSP receipt through email to the SK operator for further handing over the citizens. It appears that SK operator (Contractual) was being used as a conduit to siphon off Government fee and facilitation charges. The money received from citizens by the SK operator was being handed over to DTC Amrinder Singh on day to day basis. It is estimated that an amount to the tune of Rs.20 lacs approx has been skimmed out of which Rs.5 lacs approx are the facilitation charges owned to them. On the basis of said statement an inquiry was conducted by Vigilance committee and on the said inquiry, found that accused Amrinder Singh Cheated with the Government and fraudulently received the ARMS fees amount.”(Emphasis applied in this order only).

Mr. Sandhu, learned AAG, Punjab,

however points to the contention of the learned Public Prosecutor as contained in paragraph 6 of that order, to submit that the petitioner was found to be involved with Amrinder Singh and consequently does not deserve the concession of anticipatory bail.

Having considered the matter, at this stage it is considered appropriate that in view of the observation made by the learned Additional Sessions Judge in paragraph 3 of his order as reproduced hereinabove, the petitioner be allowed to join investigation and upon him so joining, if he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438(2) Cr.P.C.

Ordered accordingly.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 11.08.2020.

The Senior Superintendent of Police, TarnTaran, is directed to get the affidavit of a

gazetted officer filed, annexing therewith the report of the Additional Deputy Commissioner, Tarn Taran, as has been referred to by the learned Additional Sessions Judge in his order, and to also submit what has been found in any other investigation, against the present petitioner.”

Learned State counsel on instructions from ASI Balbir Singh has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 7.7.2020 is hereby made absolute.

Petition stands allowed.

11.08.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No