

CRM-M-20771-2020

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

**CRM-M-20771-2020
Date of Decision: 09.09.2020**

Tejinderpal Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. Rau P.S.Girwar, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.

Case was taken up for hearing through video conferencing.

The petitioner seeks grant of regular bail in case bearing FIR No.08 dated 16.06.2020, registered under Sections 420, 465, 467, 468, 471, 120-B IPC and Sections 7 and 13(1)(a) of the Prevention of Corruption Act, 1988, at Police Station, Vigilance Bureau Bathinda, District Bathinda.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the above noted FIR. He further contended that there was no, *prima facie*, evidential justification to show the complicity of the petitioner with the co-accused. In fact, the petitioner is not a regular employee of the health department and rather he is a contractual employee. He has further contended that the petitioner had no concern with the issuance of dope test reports, MLRs and disability certificates. He has further contended that the petitioner had been on leave

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w.e.f. 27.09.2019 to 20.10.2019 due to the death of his ailing daughter, and it was only during that period, the tenders had been floated. Hence, the petitioner has no role whatsoever in the alleged commission of the crime.

On the other hand, learned State counsel while opposing the prayer made in the present petition, has submitted that there were complaints made by the citizens in respect of bungling of funds as against the false, fabricated and forged bills in the hospital. He has further contended that the Vigilance Bureau had intercepted the mobile communications of all the accused, which would reveal the involvement of the petitioner in the present case.

I have heard the learned counsel for the parties and with their able assistance, gone through the record.

From the perusal of record, I find that the petitioner alongwith Vijay Kumar, Lab Technician, Darshan Singh, Pharmacist, is specifically named in the FIR. In the instant case, as per the contents of the FIR, the employees of the Government Hospital, Mansa, had been preparing bogus disability certificates, false dope test reports and manipulated MLRs and referring the patients to the private hospital(s), after taking illegal gratification. The entire racket was busted on the interception of the mobile communications of the accused involved in the commission of crime. The plea taken by the petitioner qua non-attending the office during the relevant period, becomes meaningless once his involvement has been found through active participation in the crime on the basis of call details intercepted by the Vigilance Bureau.

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Besides, the petitioner and other co-accused, were found to have encashed in on their official positions and thus, exercised their influence over the officials of the health department to cause illegal gain to themselves and loss to the public exchequer.

In view of the above, I do not find any ground to grant the concession of regular bail to the petitioner.

Hence, the present petition is dismissed.

09.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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