

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 40140 of 2020
Date of Decision: 09.12.2020**

Buta Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

This is the second petition under Section 439 Cr.P.C for regular bail in case FIR No. 08 dated 16.6.2020 under Sections 420, 465, 467, 468, 471, 120-B IPC and Sections 7, 8, 9 and 13(1) (A) of the Prevention of Corruption Act, 1988, registered at Police Station Punjab Vigilance Bureau, Bathinda Range, Bathinda (Unit Mansa), the earlier one having been dismissed on merits on 21.8.2020.

Learned counsel for the petitioner contends that neither the petitioner has been named in the present FIR nor any role has been attributed to him and he has been falsely implicated in the present case. It is further submitted that the petitioner along with co-accused Gurwinder Singh has been running the business of supply of orthopaedic equipment and medicines under the name and style of GB Orthopaedic Implants and he is a

sleeping partner in the said firm and is not involved in day-to-day affairs of the business. It is, thus, submitted that there being limited legal liability of a sleeping partner, the petitioner ought not to have been roped in the present case. The petitioner being a sleeping partner cannot be attributed the same role as has been done in case of the active partner. Learned counsel further submits that the petitioner's firm had participated in the tender process and being the successful allottee of the tender, the same was issued to the firm by the department. Thus, the petitioner has nothing to do with the allegations contained in the FIR. He further submits that now challan has been presented before the Court below.

On the other hand, learned State counsel, while making a specific reference to the earlier order dated 21.8.2020, whereby the petitioner's bail petition was dismissed, submits that there being no change of circumstance and no new facts pleaded in the present petition, the same is liable to be dismissed.

I have heard the learned counsel for the parties.

While dismissing the earlier bail petition, filed by the petitioner along with co-accused Gurwinder Singh, this Court took into consideration the pleas taken by the petitioner. The only change of circumstance is the presentation of challan by the police before the Court concerned. However, it is not the case of the petitioner that the police has exonerated him while presenting the challan. Though, an attempt has been made on behalf of the petitioner to deviate his liability pleading that he is a sleeping partner yet no benefit of the same can be granted to the petitioner at this stage, specially when the role of the petitioner's firm has surfaced in the occurrence in question. Still further, it could not be shown that the pleas raised in the

present second petition for bail, were not considered by this Court while dealing with the earlier bail petition.

In view of the said fact, this Court finds that no indulgence is required to be given to the petitioner and the prayer for bail is liable to be rejected.

Consequently, the present bail petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

December 09, 2020

Gurpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No