

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 39895 of 2020
Date of Decision: 09.12.2020**

Gurwinder 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.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Bathinda has been filed through e-mail. Copy of the same is taken on record.

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 has been running the business of supply of orthopaedic equipment and medicines under the name and style of GB Orthopaedic Implants and he had participated in the tender process and being the successful allottee of the tender, the same was issued to him by the department. Learned counsel further submits that three agencies, namely, G.B.Orthopaedic, Bathinda Ortho Care and New Nandi Medicos were called for supplying the implants and it was a duly advertised tender given 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, 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. 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