

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

**Criminal Misc. No.M-1839 of 2021(O&M)
Date of Decision: July 09, 2021**

ASI Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.H.S.Bhullar, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

CRM-15322-2021 :

This is an application for addition of Section 7 of the Prevention of Corruption Act, 1988 in the head-note of the petition. It is stated that the omission was not intentional or deliberate, but due to lack of communication with the petitioner, who is behind bars.

Notice of the application.

Mr.Sarabjit Singh, AAG, Punjab accepts notice.

Application is allowed. Section 7 of the PC Act is ordered to be added in the Head-note of the petition.

Main case :

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.51 dated 01.03.2019 under Sections 420, 120-B IPC and Section 7 of the Prevention of Corruption Act (Sections 465,

466, 467, 468, 471 and 409 IPC added later on), Police Station City Faridkot, Punjab.

An application was filed by Gurbinder Singh son of Sikander Singh before Inspector General of Police, Ferozepur Range, Ferozepur alleging that his Mini Bus bearing Reg. No.PB04V-1457 was hired by the State Government for the period from 12.01.2017 to 06.02.2017 during the Assembly Elections, for Rs.3000/- per day. But despite his repeated requests, no payment was made to him. Inquiry into the same was conducted by Superintendent of Police (H), Faridkot. He concluded that during Assembly Elections 2017, the Department was allotted budget of Rs.5,50,000/- for Office Expenditure-13, Rs.1,02,40,000/- for P.O.L.-24 and Rs.4,38,000/- for other Expenditure-50. Almost the entire amount was shown to be spent under Head 13 and 24. Major embezzlement of funds was found in the vehicles hired for election duty. As per record 138 vehicles were hired including Mini Bus of petitioner @ Rs.3000/- per day. But only 9 bills had been forwarded and a sum of Rs.54,24,980/- had been paid only to seven persons namely Deepak Kumar, Daljinder Singh, Gurpreet Singh, Sukhjinder Singh, HC Lakhwinder Singh, Balwinder Singh and C.Hardeep Singh. HC Lakhwinder Singh, C.Hardeep Singh and Sukhjinder Singh were found to have received genuine payments. But Deepak Kumar who was paid Rs.22,62,050/-, Gurpreet Singh who received Rs.13,40,850/-, Daljinder Singh received Rs.4,50,000/- and present petitioner (Balwinder Singh), the then MTO received Rs.12,77,480/- unreasonably. They had no explanation for such a huge amounts transferred to their bank accounts.

The inquiry further revealed fraud in fuel purchased for hired vehicles. The record of hired vehicles and their Log Books depicted no use

of diesel by 110 vehicles whereas, diesel was purchased for these vehicles. No entry of its consumption had been maintained. In the M.T. Section of Police Lines, Faridkot, no entries of arrival and departure of hired vehicles had been made in Daily Diary. Therefore, no working days of vehicles could be verified. Complainant Gurbinder Singh produced the receipt of Bus Stand fee paid on account of his bus for 01.02.2017 till 02.02.2017. The vehicle of Gurbinder Singh was shown to be hired from 27.01.2017 till 06.02.2017 for 10 days. ASI Balwinder Singh MTO (petitioner) had drawn Rs.30,000/- against this vehicle. Record maintained by him was shown to be bogus. Petitioner also submitted forged bills worth Rs.57,000/- for vehicle No.PB-31L-9209 and Pb-13P-9475. These vehicles were of 32 seats capacity but the bills had been prepared for 52 seater capacity vehicle.

It was further found in the Inquiry that the petitioner along with HC Raj Kumar had charged unnecessary repairing expenses. Repair Bills of tyres had been submitted more than the vehicle capacity like 6 tyres of four wheeler and 8 tyres for six wheeler have been purchased. In fact, no such tyres were purchased or replaced.

On verification of the records of fuel oil purchase it was found that total 54706 litres of fuel was purchased during 2017 Assembly Elections, but record available was only for 46099 litres and thereby, 8607 litres of fuel oil was purchased without record. That apart, 4027 litres was purchased for 43 such vehicles which were not hired actually. Fake slips of fuel purchase were submitted by fuel dealer and drawn amount.

Ld. Counsel for the petitioner has argued that the bills for payments were prepared by the Accountants and the payments were approved by a Committee of three senior officers. The purchase of all items

was sanctioned by the Senior Superintendent of Police before they were purchased and all accounts were subjected to audit and no irregularity was found. The petitioner has co-operated with the investigation and provided all the record available with him. The petitioner is a government servant. He has had a clean service record. There can be no apprehension of his absconding or avoiding trial. The petitioner is in custody since 18.08.2020. The investigation qua the petitioner is complete and challan against him and other co-accused except four has been filed.

Taking into account the aforesaid and the fact that the trial of the case may take a long time specially in view of the Covid-19 pandemic , without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

July 09, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No