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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23333-2021

DECIDED ON: 12th JULY, 2021

SOURABH MAHAJAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Naveen Kumar Mahajan, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference
due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case
FIR No. 07, dated 30.12.2020, registered under Section 409 IPC and
Section 7 of Essential Commodities Act, 2015 (Sections 465, 468, 471, 120-B
IPC and Section 7/8 of Prevention of Corruption Act, 1988 added later on), at
Police Station Vigilance Bureau, E.O. Wing, District Ludhiana.

This Court vide order dated 17th June, 2021 granted the interim
bail subject to joining investigation. The order is reproduced below:-

*“Present petition has been filed under Section 438 Cr.P.C
for the grant of anticipatory bail to the petitioner in respect of
FIR No. 07, dated 30.12.2020, registered under Section 409 IPC
and Section 7 of Essential Commodities Act, 2015 (Sections 465,
468, 471, 120-B IPC and Section 7/8 of Prevention of
Corruption Act, 1988 added later on), at Police Station
Vigilance Bureau, E.O. Wing, District Ludhiana.*

*Learned counsel for the petitioner submits that the
allegation against the petitioner is that after the raid was
conducted by the Vigilance Department, Punjab on 30.03.2017*

on the premises of M/s B.R. Rajan and Company and found certain irregularities in shortage of kerosene oil, petitioner was deputed by his department i.e. Food and Supplies Department to go and ascertain the actual facts available on the site. Learned counsel for the petitioner further submits that he gave a report on 10.04.2017 after verifying the records by conducting physical verification and found that there was nothing short. The said report was accepted by the Food and Supplies Department and suspension of the licence of M/s B.R. Rajan and Company, was withdrawn. Learned counsel for the petitioner submits that petitioner has been made accused on the ground that the report submitted by him was in collusion with the owner of M/s B.R. Rajan and Company so as to create evidence contrary to the facts noticed by the Vigilance Department in its raid. Learned counsel submits that present is the case where two departments of the State of Punjab are having different views about the same report given by the petitioner. Learned counsel further submits that nothing is to be recovered from the petitioner as all the record and the documents are already with the police as the FIR has been registered after a period of more than three years of the incident.

Learned counsel for the petitioner further submits that Atul Mehra, the Proprietor of M/s B.R. Rajan and Company has already been granted the interim benefit regarding his arrest by this Court while hearing CRM No. M-1876 of 2020 on 14.01.2021.

Notice of motion for 12.07.2021.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that in fact, the report given by the petitioner on 10.04.2017 was to bail out the Proprietor of the Firm and to create an evidence in favour of the company to dislodge the findings of the raid conducted by the Vigilance Department on 30.03.2017 and the

same was done in connivance with the Proprietor of the Firm.

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

Prima-facie, two departments of the State of Punjab have different views about the report submitted by the petitioner on 10.04.2017. Department of Food & Supplies has accepted the report given by the petitioner as correct and withdrew the order suspending the licence of the Firm, whereas Vigilance Department is disputing the report given by the petitioner and terming it as created evidence to bail out M/s B.R. Rajan and Company. The actual facts will only emerge during the investigation as to whether, the report given by the petitioner was only to favour the Proprietor of the Firm or was correct description of the physical verification carried out by the petitioner. The said investigation can be done in case the petitioner is directed to join the investigation and cooperate with the same.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.

To be heard alongwith CRM No. M-1876 of 2021.”

Learned State counsel, on instructions from DSP Karanvir Singh, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

As no custodial interrogation is needed, the interim bail granted on 17th June, 2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

12th JULY, 2021
shabha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>