

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

CRM-M-25841-2020

Date of decision:08.04.2021

Ashok Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Dr. (Mr.) Anmol Rattan Sidhu, Senior Advocate with
Mr. Sukhcharan Singh Gill, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.08 dated 16.06.2020, registered at Police Station Vigilance Bureau Bathinda, District Bathinda, under Sections 420, 465, 467, 468, 471, 120-B IPC and Sections 7, 13(1)(a) of the P.C. Act, 1988 (as amended by P.C. Act, 2018).

Learned Senior counsel for the petitioner submits that initially, the petitioner was not named in the FIR and that it was only during the investigation, his name had surfaced with an allegation that being SMO, Civil Hospital, Mansa, he had committed a fraud in the purchase of medicines and surgical equipments under Ayushman Bharat Scheme. It is further argued that as per the prosecution case, a purchase committee was constituted and on the basis of certain forged quotations, orders were placed to New Mandi Medicos, near Civil Hospital, Mansa and G.B. Orthopedic, Bathinda, for purchase of medicines and implants, respectively; that an amount of Rs.30 lakhs and Rs.38 lakhs were allegedly

paid to G.B. Orthopedic, Bathinda and New Mandi Medicos, near Civil Hospital, Mansa, respectively, and that there is an overwriting in the supply orders and other documents.

Learned Senior counsel for the petitioner further submits that challan has already been presented before the trial Court and out of 36 witnesses, only one has been examined thus far. The petitioner has been in custody since 08.07.2020. He further submits that the petitioner, who was working as SMO, at the time of alleged occurrence, has since retired on 28.02.2021.

Learned State counsel while opposing the prayer for regular bail, has not disputed the factum of custody period of the petitioner as well as the presentation of the challan before the trial Court. He, however, submits that voice sample has already been sent to the FSL, report of which is still awaited but the handwriting samples are yet to be taken for sending them to the FSL.

Learned State counsel, on the instructions from Sandeep Singh, Deputy Superintendent of Police, Vigilance Bureau, Bathinda, has brought to the notice of this Court that the bail petitions i.e. CRM-M-21375-2020 and CRM-M-20771-2020 filed by the co-accused, namely, Anil Kumar and Tejinderpal Sharma respectively, were dismissed by this Court.

At this stage, learned senior counsel for the petitioner points out that as far as the first bail applications filed by the co-accused, namely, Anil Kumar and Tejinderpal Sharma are concerned, those bail applications were dismissed by this Court prior to the filing of the challan whereas in

the present case, the challan has been presented on 06.10.2020.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.07.2020. The trial will take time to conclude. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

08.04.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No