

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-26173-2020
Decided on : 08.02.2021

Surinder Kumar Makkar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S.Rai, Sr. Advocate with
Mr. K.S.Nalwa, Advocate for the petitioner.

Mr. Deepak Sabherwal, Addl. AG, Haryana.

Mr. Akshay Bhan, Sr. Advocate with
Ms. Iti Agarwal, Advocate for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.04 dated 05.08.2020 under Sections 406, 417, 420, 465, 468, 471, 476 IPC 1860 and Sections 8 and 9 of Prevention of Corruption Act, 1988 registered at Police Station Gandhi Nagar District Yamuna Nagar.

Learned counsel for the petitioner states that pursuant to order dated 01.10.2020, passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on the other hand, submits that no doubt the petitioner has joined the investigation however, his custodial interrogation is required to unearth the conspiracy. He has invited the attention of this Court to the reply filed by the State and reiterated that the petitioner wrongly verified and approved four bills in favour of the contractor, which resulted in the UHBVN Ltd. (Uttar Haryana Bijli Vitran

Nigam Ltd.) incurring a loss of approximately Rs.96 lakhs even though no work had been carried out at the designated site. It has therefore been submitted that in the circumstances the custodial interrogation of the petitioner becomes all the more imperative to ascertain the involvement of the persons, who may be involved in the conspiracy.

Heard.

No cogent and convincing reason is forthcoming as to why the custodial interrogation of the petitioner would be necessitated as the case is based upon documentary evidence and also stands conceded by the State counsel. Moreover, the documentary evidence i.e. the four bills allegedly wrongly approved by the petitioner are already in the possession of the investigating agency.

In view of the above, the petition is allowed and interim order dated 01.10.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

08.02.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No