

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 02.09.2021

(1) CRM-M-35488-2021 (O&M)

Surjit Singh and anotherPetitioners

versus

Central Bureau of InvestigationRespondent

(2) CRM-M-35437-2021 (O&M)

Om Gauri Dutt Sharma and othersPetitioners

versus

Central Bureau of InvestigationRespondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mandeep Singh Sachdev, Advocate,
for the petitioners in CRM-M-35488-2021.

Mr. H.S. Brar, Senior Advocate with
Ms. Anshika Sharma, Advocate and
Mr. Yuv Raj Saini, Advocate
for the petitioners in CRM-M-35437-2021.

Mr. Rajiv Anand, Advocate,
for the respondent-CBI.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in the aforesaid petitions is for grant of anticipatory bail to the petitioners in case FIR No. RCCHG2017A0006 dated 21.02.2017 under Sections 120-B IPC read with Section 420/471 IPC read with Section 13(2) read with Section 13(1) (d) of Prevention of Corruption Act 1988, registered at Police Station CBI, ACB, Chandigarh.

Learned senior counsel has submitted that as per allegations in the FIR in question registered against Om Gauri Dutt Sharma, Deputy Director General (Programmes), Doordarshan Kendra, Jalandhar, Punjab, Jasbir Singh, Programme Executive, Raj Kumar Grewal, Programme Executive, Doordarshan Kendra, Jalandhar, have entered into a conspiracy with Surjit Singh of M/s Expert Picture, Jalandhar, Ms. Pushpinder Kaur of M/s Amba Shree Films (India) Jalandhar, Sumant Sondhi of M/s Ashirwas Videos, Ludhiana and his wife Madhu Sondhi of M/s Suvidha Films, Ludhiana, have cheated the telecast of Punjabi films, Punjabi songs, Hindi Songs, Tele films for a period from 2012 to 2016. In that process, payment of telecast was released to the firms/individuals of the accused who are not actual producers or right holders of these films, the details of the films telecast as given in the FIR.

Learned counsel for the petitioners in **CRM-M-35488-2021** submits that it is the further case of the prosecution that some of the producers of the Punjabi films were dead and the petitioners being the officer of the Jalandhar did not obtain the mandatory documents i.e. the agreement for producers, receipts, affidavits, booklets and censor certificates before telecasting the same. There are allegations against the petitioners as to how they have extended benefit to the other accused in this regard. He has further argued that they are not the official of Jalandhar Doordarshan and are the persons against whom the allegations are that they in conspiracy with the officials of the Doordarshan Kendra have obtained the monetary benefits by causing

Learned senior counsel in CRM-M-35437-2021 has submitted that against the accused only allegations in the report submitted under Section 173 Cr.P.C. is that they in violation of the standard procedure have extended undue monetary benefits to the co-accused Surjit Singh and others.

Learned counsel has argued that there is no specific allegations against the petitioners and they had not caused any monetary loss to government.

Learned counsel appearing for CBI has contested the application on the ground that it has come in the investigation that during the year 2012-2016 all the accused in conspiracy with each other have caused huge loss of lacs of rupees to Doordarshan Kendra, Jalandhar, Government of India, and has caused wrongful gain to the other accused Surjit Singh and others. It is further submitted that the petitioners who were the officials of the Doordarshan Kendra, Jalandhar dishonestly did not form a Scrutinizing Committee, Short Listing Committee as well as the Gradation Committee rather by forming only a Purview Committee, which comprised non official members to decide the telecast issues and too without a lady Member, have violated the revised guidelines of Prasar Bharati dated 09.12.2011 and in that manner, they have caused wrongful loss to Doordarshan Kendra.

It is further submitted that during investigation, the specimen signature of the public servants/petitioners were obtained and as per the CFSL report, the same tally on the various documents

submitted by the proprietors of the Punjabi Films.

It is further submitted that despite the trial Court having taken cognizance and issued summons to the accused, have failed to appear and have delayed the trial and have now filed anticipatory bail when non bailable warrants are issued.

In reply, learned senior counsel for the petitioner submits that the petitioners during the investigation were never arrested and the challan has been presented after a period of 04 years and therefore, they should be granted the concession of interim bail.

Learned counsel submits that there is a presumption of innocence with the petitioners and therefore, they should be granted the concession of anticipatory bail.

After hearing learned counsel for the parties and finding the serious allegations against the petitioners who are deliberately delaying the trial by not appearing at first instance before the trial Court, I find no merit in the present petitions and accordingly the same are dismissed.

A photocopy of this order be placed on the connected file.

(ARVIND SINGH SANGWAN)
JUDGE

02.09.2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No