

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

CRM-M-36285-2020

Date of decision:08.04.2021

Tejinderpal Sharma

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.P.S. Aulakh, 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 bearing FIR No.08 dated 16.06.2020 registered at Police Station Vigilance Bureau Bathinda Range, 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 counsel for the petitioner submits that the petitioner has falsely been implicated in the above noted FIR and that it was only during the investigation, his name had surfaced with the allegations that being Finance-cum-Logistic Officer (FLO), Civil Hospital, Mansa, he had been taking bribe from the public for issuing fake disability certificates, false dope reports and MLRs and referring the patient under Ayushman Bharat Jan Swasthya Yojna to private hospitals. In fact, the petitioner is not a regular employee of the health department and rather he is a contractual employee. It is further submitted that the petitioner had no concern with the issuance of dope test reports, MLRs and disability certificates.

Learned 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 16.03.2020.

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, 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 the petitioner respectively, were dismissed by this Court. It is further contended that there were complaints made by the citizens in respect of bungling of funds as against the false, fabricated and forged bills in the hospital. It is also contended that the Vigilance Bureau had intercepted the mobile communications of all the accused, which would reveal the involvement of the petitioner in the present case.

At this stage, learned counsel for petitioner points out that as far as the first bail applications filed by the co-accused, namely, Anil Kumar and the petitioner 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 16.03.2020. 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