

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

Date of Decision: 12th October, 2022

1. CRM-M-3994-2022

Surjit Singh

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

2. CRM-M-17012-2022

Ved Parkash Sharma

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

1. CRM-M-8464-2022

Balwinder Kumar

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R.S. Rai, Senior Advocate,
Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Japjit Singh, Advocate,
Mr. Farad Kohli, Advocate,
Mr. Akshay Jindal, Advocate and
Mr. Arman Goyal, Advocate for the petitioner(s).

Mr. J.S. Toor, Addl. PP, U.T., Chandigarh.

AVNEESH JHINGAN , J.(Oral)

1. These petitions are filed seeking regular bail in case of FIR
No. 25, dated 25th February, 2020, under Sections 420, 468, 471, 120-B of
Indian Penal Code, 1860 and Section 13(1) (b), 13(2) of the Prevention of
Corruption Act, 1988 (for short 'the Act'), (Section 201, 409 IPC added
later on), registered at Police Station North, District Chandigarh.

2. As per the case set up, on the basis of inquiry conducted by the Assistant Controller (Finance and Account) and Director General of Police, U.T., Chandigarh, the FIR was registered. The allegations are that accused in connivance with each other, disbursed excess amount to police officials and gained undue benefit. The orders of E-7 Branch were forged. The modus operandi adopted was that correct amount was entered in the salary ledger but the entries on E-Sevarth portal were made at variance.

3. Petitioner- Balwinder Kumar, Incharge in A-4 Branch was arrested on 10th September, 2021, challan and supplementary challan qua against the petitioner have been presented. Petitioner-Ved Parkash, Head Constable was posted in Accounts Branch. He was arrested on 10th November, 2021, challan against him was presented on 3rd February, 2022. Petitioner-Surjit Singh, Home Guard volunteer was attached with A-4 Branch and was working as Class IV employee.

4. The role attributed to the petitioners are that they in connivance with each other had benefited themselves and extended benefit to approximately to one hundred and fifty police officials by making payment in excess of their dues.

5. Learned counsel for the petitioners submit that petitioners had suffered a long incarceration. Investigation is complete qua the petitioners and challans have been presented. No recovery is to be made.

6. Mr. J.S. Toor, Addl PP, U.T., Chandigarh submits that though the challan qua the petitioners have been presented but investigation is still going on. He further submits that audit for financial year 2018-19 is complete but the audit from the year 2015 to 2018 is in progress. He

against the petitioners, in case of change of circumstances or if some additional evidence surfaces during the investigation.

8. Without commenting upon the merits of the case, considering the custody period, as also the fact that in view of the nature of the allegations conclusion of the trial is likely to take time, petitioners being police officials and not likely to abscond, no useful purpose would be served by depriving the personal liberty of the petitioners, the case is prima facie based upon the documentary evidence, petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. These petitions are allowed.

10. The Investigating Agency would be at liberty to avail remedies in accordance with law in case of change of circumstances or need so arises in future.

11. Petitioners would join investigation in case need so arises as and when called for.

12. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. Photocopy of this order be placed on the files of connected cases.

(AVNEESH JHINGAN)
JUDGE

12th October, 2022

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No