

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

(1) **CRM-M-32362-2022 (O&M)**

Sukhpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-33842-2022 (O&M)**

Shinderpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 17.8.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.K. Singla, Advocate for the petitioner (s).

Mr. Luvinder Sofat, AAG, Punjab

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Sukhpal Singh and Shinderpal Singh seeking grant of anticipatory bail in a case registered against them vide FIR No. 59 dated 2.7.2022 under Sections 420, 467, 468, 471/120-B IPC at Police Station Phool, District Bathinda.
2. The FIR was lodged on the basis of a complaint made by the Chief Engineer, Punjab State Power Corporation Limited, Bathinda (hereinafter referred to as 'the PSPCL') wherein it is alleged that Sukhpal Singh and Shinderpal Singh in connivance with officials of the PSPCL had provided AP electricity

connections for installation of tubewells to various persons by way of misrepresentation and against rules of the PSPCL and that such people who had been extended electricity connections by dubious means were facing problems and that the same could infact develop into a law and order situation in future.

3. The learned counsel representing the petitioners, while pressing upon the case of the petitioners for grant of anticipatory bail, has made the following submissions before this Court :-

- (i) that there is no evidence worth credence to establish the involvement of the petitioners in the alleged scam;
- (ii) that the prosecution mainly relies upon some oral evidence stated to be collected during investigation, which would not have any evidentiary value in the absence of any other concrete evidence;
- (iii) that the petitioners have clean antecedents and are not involved in any other case previously;
- (iv) that issuance of electricity connections against the rules in an irregular manner can only be attributed to the officials of the PSPCL and that the petitioners have no role whatsoever in issuance of any electricity connections; and
- (v) that the PSPCL claims to have conducted some preliminary inquiry against its officials wherein the petitioners were never associated and as such, any findings of such inquiry cannot be used against the petitioners.

4. Opposing the petition, the learned State counsel has submitted that it is a case where some officials of the PSPCL in connivance with the petitioners had collected huge amounts from various farmers and had extended electricity AP connections in a dubious manner. The learned State counsel, while referring to the reply filed on behalf of the State, has pointed out the *modus operandi* of the scam and on the basis of the reply has made the following submissions :-

- (i) that initially, it was found that 9 electric tubewell connections had been issued to some persons who had infact never applied for such connections and had not even deposited any amount with the PSPCL. However, later upon making detailed inquiry, it was found that infact 122 such electric tubewell connections had been released in dubious manner;
- (ii) that Sukhpal Singh and Shinderpal Singh had been conniving with officials of the PSPCL Department who used to make alterations in the record pertaining to the applications made by innocent farmers and used to substitute their names after obtaining huge amount from the persons who had infact never applied for such connections and got issued connections in favour of such persons without even checking the land record, which was absolutely in breach of the rules prescribed by the PSPCL Department;
- (iii) that during the course of the inquiry, statements of certain farmers who had been extended such electricity connections in an illegal manner had been recorded who had specifically stated that they had paid an

amount of ₹1 lac to Sukhpal Singh and Shinderpal Singh and that while some amount had been kept by the said persons, the remaining had been passed on to the employees of the PSPCL Department for the purpose of issuance of illegal electricity connections.

5. The aforesaid investigation conducted by the police, particularly the fact that the record of the genuine applicants, as maintained in the PSPCL Department has been forged so as to issue connections in favour of persons who had in fact never applied or deposited any amount with the PSPCL department and also the fact that some farmers who had been issued electricity connections in an illegal manner have come forward to make statements wherein they have specifically nominated the petitioners to whom they have paid an amount of ₹1 lac clearly points towards the complicity of the petitioners. The contention of the petitioners that statements of farmers is not substantial evidence against them does not hold any ground as the said statements are to some extent substantiated from the fact that the record of the PSPCL has been found to be forged. In any case, having regard to the enormity of the scam wherein 122 connections have been issued in an illegal manner by forging the record, a detailed investigation and interrogation of the petitioners would be required. The total amount collected by the accused for issuance of more than a hundred of electricity connections could run into crores. Though, apparently the petitioners are not officials of the PSPCL but from the investigation conducted so far, it is apparent that they have served as a conduit between the officials of the PSPCL and the farmers and had facilitated the commission of crime while retaining a part of the amount which the farmers had paid for getting the electricity connections.

The involvement of the officials of the PSPCL is also required to be fully established. In these circumstances, this Court does not find any special case for grant of anticipatory bail.

6. Both the petitions, as such, are sans merit and are hereby dismissed.

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

17.8.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No