

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

(1) **CRM-M-42269-2022 (O&M)**

Balvir Singh ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-42326-2022 (O&M)**

Sukhwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

(3) **CRM-M-42327-2022 (O&M)**

Tejvinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 18.10.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner in CRM-M-42269-2022.

Mr. Sherry K. Singla, Advocate for the petitioner(s)
in CRM-M-42326-2022 and CRM-M-42327-2022.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Subhmander Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Balvir Singh, Sukhwinder Singh and Tejvinder 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 Phul, 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 have submitted that they are employees of the PSPCL and that whatever acts are attributed to them had been done by them in discharge of their official duties and there is nothing on record to suggest that the same were done for any extraneous reasons or in consideration of any amount or that they had tampered with any record.
4. Opposing the petitions, the learned State counsel has submitted that although the petitioners are not named in the FIR but during the course of investigation, the involvement of as many as 12 officials of the Electricity Department had been established and that the accused Sukhpal Singh and Shinderpal Singh could not have got illegal connections released without the

active involvement of the officials of the PSPCL. The learned State counsel has, thus, prayed for dismissal of the petitions.

5. This Court has considered rival submissions addressed before this Court.
6. While petitioners Tejvinder Singh and Sukhwinder Singh are posted as Junior Engineers, petitioner Balvir Singh is a Lineman. In the reply filed by the State, the involvement of petitioner Tejvinder Singh has been described as follows :-

“From the complaint moved by the PSPCL department, statements of the officials/officers of the PSPCL, documentary record, it was found that petitioner Tejvinder Singh at the time of his posting had prepared the estimate (Takhmeena) No. 6301256 for the motor power 20 B.H.P. for issuing the electric tubewell connection in the name of Gurlabh Singh son of Kanail Singh resident of Phul in the area of village Lehra Dhoorkot in the land of Ajmer Singh son of Saudagar Singh. Payment of illegal gratification of Rs.25,000/- was stated to be received by the petitioner as per the statements of Jaskaran Singh son of Ajmer Singh. Further Jaskaran Singh had also stated that this connection was purchased by his father for Rs.2,50,0000/- from accused persons namely Shinderpal Singh & Sukhpal Singh @ Sony, out of which Rs.25000/- was paid by them to the petitioner on the asking of accused Shinderpal Singh.”

7. In the reply filed in the case of petitioner Sukhwinder Singh, his involvement has been stated in the following words :-

“From the complaint moved by the PSPCL department, statements of the officials/officers of the PSPCL, documentary record, it was found that petitioner Sukhwinder Singh had shown a 12.5 H.P. tubewell motor connection of JB Company 16 K.V.A. Transformer Serial No. 20727, in the fields of Ajmer Singh son of Saudagar Singh and this motor

connection was shown running against the shifting estimate No.7300135 of motor connection belonging to Baldev Singh son of Mit Singh resident of Phul and no amount was shown to be deposited regarding the same. Further the transformed No.20727 dated 06.07.2017 was withdrawn by the petitioner from the store, as such, the connection was found installed without getting any amount deposited with the department. Payment of illegal gratification of Rs.20,000/- was stated to be received by the petitioner as per the statements of Jaskaran Singh son of Ajmer Singh for providing the instruments/goods and as per the statement of Satpal resident of Lehra Dhoorkot Rs.30,000/- was obtained by the petitioner in connivance with private persons Shinderpal Singh & Sukhpal Singh @ Sony, for issuance of illegal tubewell connections, as such, petitioner was rightly nominated as accused in the present case FIR.”

8. The complicity of the petitioner Balvir Singh, Lineman has been described as such, in the reply filed by the State :-

“From the complaint moved by the PSPCL department, statements of the officials/officers of the PSPCL, documentary record, it was found that petitioner Balvir Singh at the time of his posting had presented the estimate (Takhmeena) No. 6301256 for approval in the name of Gurlabh Singh son of Karnail Singh resident of Phul in the area of village Lehra Dhoorkot in the land of Ajmer Singh son of Saudagar Singh, without any verification, as such, petitioner was rightly nominated as accused in the present FIR.”

9. The aforesaid position as reflected in the replies filed by the State would show that the complicity of the petitioners Tejvinder Singh and Sukhwinder Singh is established not only from documentary evidence but from the statement of witness Jaskaran Singh son of Ajmer Singh i.e. son of beneficiary. In these circumstances, their involvement is *prima facie*

evident. Their custodial interrogation would certainly be required to unearth the finer details and extent of the entire scam.

10. As far as the case of petitioner Balvir Singh, Lineman is concerned, the allegations against him are that he had prepared an estimate for approval of tubewell connection in the name of Gurlabh Singh without any verification. The fact as to whether the estimate was prepared by visiting the spot or not or by conducting proper verification is a matter pertaining to the propriety of procedure. A Lineman would do, as instructed by his superiors. There is nothing in the reply filed by the State as to whether he had also received any consideration in respect of the connections illegally extended. In these circumstances, the involvement of the petitioner Balvir Singh can be said to be debatable at this stage and he may be extended the concession of anticipatory bail.
11. In view of the discussion made above, while the petitions qua Tejvinder Singh and Sukhwinder Singh are declined, the same is accepted qua petitioner Balvir Singh. It is, thus, ordered that petitioner Balvir Singh, in the event of arrest, be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

18.10.2022
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No