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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

***

CRM-M-49688-2021
Date of decision: 05.01.2022

Inspector Harmeet Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Inderjeet Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab *assisted by Inspector Amolak Singh.*

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<u>AVNEESH JHINGAN, J (Oral):</u>

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 10, dated 19th May, 2021, under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 [hereinafter referred to as 'Act'] and Sections 409, 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Vigilance Bureau Amritsar, District Amritsar.

[3] The FIR was the result of inquiry on the complaint made by Sawinder Singh, Proprietor of S.S. Trading Company, Grain Market

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Mehta, Raiya, District Amritsar. The allegations were that petitioner-Harmeet Singh, Inspector in PUNGRAIN took the complainant in confidence and made fake purchases of 9000 bags of paddy worth Rs. 50 lakhs and demanded Rs. 13 lakhs from the complainant. The matter was inquired into and it was found that Sawinder Singh and petitioner were in connivance. Purchase of 24528 bags of paddy was shown from the concern of Sawinder Singh. The entry of purchase was uploaded on the portal of PUNGRAIN by the petitioner. On the basis of gate pass issued and entry uploaded, S.S. Trading Company received payment of Rs. 71,26,223/-whereas actual purchase was of 14172 bags. The payment was credited in the account of S.S. Trading Company for 10356 bags which were never purchased.

[4] Mr. Inderjeet Sharma, learned counsel for the petitioner submits that petitioner joined the inquiry and cooperated. In the inquiry it was held that no case was made out under Sections 7 and 13 (2) of the Act. Reliance is placed upon instructions issued from time to time (annexed with the petition) to the effect that report of PG-04 regarding purchase of paddy from commission agents and farmers are to be sent to Circle Office within time so that the target of Rs.100 payments within 48 hours may be achieved. The argument is that in compliance with these directions, the petitioner uploaded the entry of purchase made from S.S. Trading Company. It is submitted that FIR was registered after one year of filing of complaint by Sawinder Singh. Contention is that entire consideration of fake purchase was credited in

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the account of Sawinder Singh and petitioner was not the beneficiary. He submits that petitioner had moved a complaint dated 9th December, 2019 against Sawinder Singh. It is argued that petitioner till date has neither been suspended nor any departmental inquiry is ordered against him, rather District Food Supplies Officer (D.F.S.O.) and D.M., PUNGRAIN, had moved a complaint against S.S. Trading Cmpany and not against the petitioner.

[5] Mr. Sandeep Kumar, Deputy Advocate General, Punjab opposes the prayer for grant of anticipatory bail and submits that petitioner is absent from duty since registration of FIR and is absconding since May, 2021. His non-bailable warrants were obtained but in spite of number of raids conducted, he could not be apprehended. He had taken away copy of gate pass, P.R.-1 Register and other related documents, instead of submitting the same to the department. He argues that complaint was filed by the petitioner against Sawinder after filing of complaint by Sawinder Singh against the petitioner on 4th December, 2019.

[6] The allegations in the present FIR are regarding economic offence causing loss to public exchequer. The Supreme Court in ***State of Gujarat Versus Mohanlal Jitamalji Porwal and others (1987) 2 SCC 364,*** held :-

> *"5. ....The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is*

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committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest….."

[7] In ***Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439,*** the Supreme Court held as under:-

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

[8] It would not be appropriate for this Court to dilate in detail on the contentions raised on the merits of the case as the same would

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be subject matter of the trial.

[9] From the contentions of learned counsel for the petitioner and pleadings, it is forthcoming that petitioner uploaded entry of purchase of 24528 bags in spite of the fact that actually 14172 bags of paddy were supplied by S.S. Trading Company. As per the case of the prosecution, petitioner has taken away the record with him instead of submitting it with the department. The contention that petitioner is not a beneficiary and amount was credited in the account of S.S. Trading Company is of no avail for grant of anticipatory bail. As per inquiry conducted, petitioner and Sawinder Singh were in connivance for getting the consideration without supplying the paddy.

[10] The instructions relied upon by learned counsel for the petitioner are only to the effect that purchases are to be reported in a time bound manner so that payments could be released to the sellers within time. Suffice to say that in the present case, the allegation is of uploading fake entries on the portal. Albeit, the challan stands presented for co-accused, the matter regarding petitioner is still under investigation as he is absent from duty since registration of FIR and investigation could not be completed qua him. Deeper probe is required to unearth the scam and to bring into light the role played by each of the accused, same would not be achieved by clothing the petitioner with the protection of pre-arrest bail.

[11] The FIR was result of inquiry on the basis of complaints filed by Sawinder Singh and petitioner against each other. It was

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consequence of complaints that fake entry of purchases saw the light of the day. The argument that there is one year delay in registration of FIR after filing the complaint by Sawinder Singh would be subject matter of the trial. However, it is a fact that inquiry was held on the complaint filed by Sawinder Singh and only thereafter, FIR was registered.

[12] No ground is made out for grant of anticipatory bail, the petition is dismissed.

[13] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

5th January, 2022
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1. Whether speaking/ reasoned : Yes
2. Whether reportable : Yes

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