

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-51782-2022**

Date of Decision: 17th November, 2022

Bhupinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Angad Parmar, Advocate for
Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. Arun Luthra, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in FIR No. 228, dated 7th August, 2021, under Sections 409, 120 of Indian Penal Code, 1860 and 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Sultanpur Lodhi at Kapurthala.

2. Learned counsel for the petitioner claims parity with co-accused Vikas Sethi who was granted regular bail by this court on 21st October, 2022, this Court passed the following order:

1. This petition is filed seeking regular bail in FIR No. 228, dated 7th August, 2021, under Sections 409, 120 of Indian Penal Code, 1860 and 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Sultanpur Lodhi at Kapurthala.

2. Learned counsel for the petitioner claims parity with co-accused Vivek Sharma who was granted regular bail by this court on 24th August, 2022, this Court passed the following order:

“This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.228 dated 7.8.2021, under Sections 409 and 120-B IPC and Section 13(2) of Prevention of Corruption Act, 1988 registered at Police Station Sultanpur Lodhi, District Kapurthala.

The brief facts of the case are that an application was sent by District Controller, Food and Supply Department dated 26.3.2021 to Senior Superintendent of Police, Kapurthala, regarding shortage of wheat and that food grains were not being handed over for Public Distribution Services (PDS). On receiving the

complaint, Department constituted a Committee. Vivek Sharma(petitioner), Bhupinder Singh, Rajeshwar Singh and Vikas Sethi were performing the duty of procuring wheat from the mandis allocated to them, to send the procured grain to FCI and also to issue wheat to the depots for public distribution. They were posted at Sultanpur Lodhi Center during period relevant for complaints. The modus-operandi was that entry was uploaded on the portal showing issuance of wheat to the depots but actually the wheat was not supplied. In some cases, only slips were issued to the beneficiaries and not the wheat. The committee recorded the statements of Vigilance Committee/Gram Panchayat and Depot holders The President of Depot Holders Association apprised the committee that beneficiaries were given slips but Inspectors had not issued wheat despite repeated requests.

Learned counsel for the petitioner submits that petitioner is in custody since 21.1.2022, the investigation is complete, challan stands presented. The contention is that case is based upon the documentary evidence. He further submits that the petitioner is ready to surrender his Passport, if he possesses the one.

Learned State Counsel opposes the prayer for grant of bail and submits that there is huge loss caused to the Government as the foodgrains meant for public distribution were siphoned off.

Without commenting on the merits of the case, considering that no recovery is to be made from the petitioner, the investigation qua the petitioner is complete, since he is Government official prima facie there is no chance of absconding, the case is primarily based upon the documentary evidence, no useful purpose would be served by depriving the petitioner from his personal liberty and he is ready to surrender his passport, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

3. *Learned counsel for the State though opposes the prayer for grant of bail but on instructions from ASI Kulwant Singh fairly submits that challan has been presented. He is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.*

4. *Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, petitioner has no criminal antecedent and though the investigation is complete conclusion of trial is likely to take time, the*

petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. *The petition is allowed.*

6. *However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.*

3. Learned counsel for the State though opposes the prayer for grant of bail but on instructions fairly submits that challan has been presented. He is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

4. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. The petition is allowed.

6. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

17th November, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No