

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105-CRM-M-1416-2023

Date of Decision: 12.01.2023

RANDHIR SINGH

... Petitioner

VS.

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. HS Jalal, Advocate for
Mr. Sandeep Punchhi, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.35 dated 21.01.2022 under Sections 420/409/120-B IPC, registered at Police Station City Sirsa, District Sirsa.

The allegations as per the FIR, lodged at the instance of Public Health Engineering Department, Government of Haryana, are that a total of 15 tubewells with downgraded cable was to be laid, out of which only 8 tubewells, were installed. The complete details have also been given therein with regard to the location of the tubewells as well as the name of the contractors involved. A loss of Rs.4,60,564/- is alleged to have been caused, which has been usurped by the petitioner-contractor. It has also been alleged in the FIR that the contractor firm was required to install the material of the prescribed standard level as per the government specification as per the terms and conditions of the tender, but the concerned contractor firm in connivance with the departmental officials usurped and defrauded by making bogus GST bills of 10 mm Finolex Company's cable. The contractor is also responsible for committing fraud in connivance with the Government department and in

fact, actually usurped the public money, by making fake Finolex bills and had used sub-standard materials, which raises serious doubt and manner of corruption which is eating the State revenue like termite.

Counsel for the petitioner has put reliance on an enquiry report dated 18.10.2022 (Annexure P2) which is a departmental enquiry but much reliance cannot be laid to the same in view of the specific allegations of connivance of the government officials which is also writ large on perusal of the FIR.

Considering the seriousness of the allegations and the nature of fraud committed by the petitioner-contractor, which amounts to usurping the public money belonging to the income tax payees and the gravity of offence, which has become routine and has been hushed up by way of departmental enquiry which cannot be allowed to be given a go-bye in the manner in which the Chief Engineer has concluded it, this Court does not find any ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

12.01.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No