

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

214

CRM-M-3106-2023 (O&M)

Date of Decision: 25.01.2023

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Paras Talwar, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by DSP Inderpal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.09 dated 28.07.2022 at Police Station Vigilance Bureau, E.O.Wing, Ludhiana, under Sections 7, 7-A, 8, 12, 13(2) of the Prevention of Corruption Act; Sections 409, 420, 467, 468, 471, 120-B IPC and Sections 65, 66, 66-C, 66-D of the Information Technology Act.
2. The allegations, in nutshell, are to the effect that several irregularities had been committed in the matter of allotment of plots by Improvement Trust Ludhiana and also in the matter of waiver of Non Construction Fee (NCF), which is imposed upon the allottees in case requisite construction is not completed within the stipulated period. It is the case of prosecution that one such waiver was made in respect of plot bearing No.1544-D, Model Town Extension, Phase-2 (400 Acres) Scheme and that the said

waiver came to be issued pursuant to certificate issued by the Executive Engineer on 27.09.2021 (Annexure P-2) to the effect that 'water and sewerage pipelines were not laid at the plot'. It is further the case of the prosecution that the aforesaid certificate was issued by the Executive Engineer pursuant to an incorrect report made by the petitioner, who was then working as a Junior Engineer.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the waiver of Non Construction Fee was made on the basis of certificate issued by the Executive Engineer. It has further been submitted that since identically situated co-accused, namely, Sandeep Sharma, Parveen Kumar, Kamaldeep Singh and Inderjit Singh have already been granted bail, the petitioner also deserves the similar relief on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that since it was pursuant to an incorrect report made by the petitioner as regards there being no water and sewerage pipelines at the spot that the Executive Engineer issued a similar certificate leading to waiver of Non Construction Fee, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 4 months and that he is not involved in any other case. It has also been informed that challan stands presented and as many as 23 PWs have been cited.
5. This Court has considered rival submissions.

6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for the last more than 4 months and challan already stands presented and even the co-accused, namely, Sandeep Sharma, Parveen Kumar, Kamaldeep Singh and Inderjit Singh have been granted bail, the petitioner would also deserve to be dealt with in the same manner. The petitioner otherwise is not stated to be involved in any other case. Conclusion of trial is likely to take some time inasmuch as the trial has not even commenced till date and as many as 23 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.01.2023

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**