

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15835-2023 (O&M)
Date of Decision:- 24.5.2023

Sudesh Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Inspector Inderjit Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
9	6.3.2023	State Vigilance Bureau Amritsar	Section 7 of the Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case arising out of above mentioned FIR.
2. The FIR was registered at the instance of Darshan Singh wherein he has stated that he is into construction and repair work of roads on contract basis since the last 7-8 years and runs the business under the name and style of M/s L.T. Builders. It is alleged that during the year 2013-14, he was allotted a job work in respect of an amount of Rs.4,97,21,492/- which was duly executed by 31.1.2016. However, after completion of work he was not returned the entire security amount and the department i.e. Punjab Mandi Board withheld an amount of Rs.10,96,374/- out of the security amount

which had been deposited by him. Similarly, another amount of Rs.7,43,854/- out of the security amount in respect of another work allotted to him had not been paid to him despite completion of work. Similarly, he had executed work in respect of construction of a link road ATTSH to Khabe Rajputan and in respect of which a balance security of Rs.15,92,774/- was outstanding to be refunded to him. Thus, a total balance security amount of Rs.34,33,002/- had not been paid to him. Similarly, some other amounts in respect of some other works executed by him are stated to be outstanding and had not been paid to him.

3. The complainant alleged that he had been making oral as well as written requests to Executive Engineer, Amandeep Singh and to SDO Sudesh Kumar for the purpose of release of his dues particularly the security amounts but Amandeep Singh, Executive Engineer had been dilly-dallying the matter and demanded an amount of Rs. 5 lacs from him as illegal gratification for releasing payments. Similarly, even SDO Sudesh Kumar demanded an illegal gratification of Rs.1 lac. It is alleged that on 8.10.2021, SDO Sudesh Kumar came to complainant's office and demanded illegal gratification and since he had an amount of Rs. 20,000/- only with him at that time, he gave the same to the SDO Sudesh Kumar but he managed to videograph the entire incident.
4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that the alleged video recording is yet to be authenticated and proved. It has further been submitted that in any case the transcript of the audio-conversation, as annexed with the reply filed by the State, does not clearly reflect making of any demand on part of the petitioner.

5. Opposing the petition, the learned State counsel has submitted that apart from the oral assertions made by the complainant regarding demand of payment of bribe, the video recording made by the complainant would clearly establish the complicity of the petitioner.
6. This Court has considered rival submissions addressed before this Court.
7. There indeed are specific allegations levelled in the FIR as against the petitioner Sudesh Kumar, SDO and co-accused Amandeep Singh, Executive Engineer pertaining to demand of bribe for the purpose of release of the payments due to be made to complainant by the department which were due either being a part of security amount deposited by complainant or on account of construction work/repair work executed by complainant. The State has filed its reply wherein a transcript of the conversation which had taken place between the complainant and the petitioner has been annexed which does show that there have been negotiations between them as regards payment of amount as commission to the petitioner. In these circumstances, this Court does not find any special case for grant of anticipatory bail.
8. The petition is sans merit and is hereby dismissed.

24.5.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No