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

**CRM-5181-82 of 2023 in/and
CRM-M-18952-2022**

Date of decision : 02.02.2023

Varinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

CRM-5181-2023

Application is allowed as prayed for.

Annexure P-7 is taken on record.

CRM-5182-2023

Prayer in the present application is for addition of Sections 13(1) and 13(2) of the Prevention of Corruption Act as amended by Prevention of Corruption Amendment Act, 2018.

Heard.

For the reasons recorded in the application, Sections 13(1) and 13(2) of the Prevention of Corruption Act as amended by Prevention of Corruption Amendment Act, 2018 are allowed to be added in the present FIR. Interim bail granted earlier be also treated as granted in these newly added Sections as well.

Main case:

Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.0041 dated 25.03.2022, under Sections 409, 420 of IPC and Sections 13(1) and 13(2) of the Prevention of Corruption Act, registered at Police Station City Jagraon, Ludhiana, Rural, District Ludhiana.

It has been contended by counsel for the petitioner that the petitioner was granted interim bail by this Court vide order dated 06.05.2022. He has submitted that the physical verification was conducted and as per the physical verification, it was clear that there was loss of 3342 bags of wheat. He submits that for the loss of the same, petitioner has already paid an amount of Rs.39,39,000/-. He submits that after first physical verification, clandestinely another physical verification was conducted and another FIR was registered on the allegations that in the second verification, loss of bags increased by 1527. He further submits that the second verification as conducted by the investigating agencies is an afterthought and only in order to implicate the petitioner in more cases. He submits that as per the order passed by this Court, petitioner has time and again joined the investigation and has cooperated with the investigating agencies. He submits that the interim bail was granted to the petitioner in both the FIRs and he has duly joined the investigation.

Learned State counsel has placed on record status report by way of affidavit of Mr. Joginder Pal Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Economic Offences Wing, Ludhiana, Punjab. He, on instructions from DSP Joginder Pal Singh, has submitted that the petitioner has given evasive reply to the questions put by the investigating agencies. He submits that though the petitioner has deposited an amount of

Rs.39,39,397/-, however, in the second verification again, loss of the 1527 bags was found in addition to the earlier loss. He submits that it is yet not ascertained as to how such a heavy loss of the wheat bags has occurred. However, he has submitted that the petitioner has joined investigation.

After hearing counsel for the parties and perusing the record, it is evident that the petitioner has joined investigation. He has paid Rs.39,39,397/-. So far second verification is concerned, the allegations are again by the prosecution that there is more loss of 1527 bags. However, the factum regarding joining of the investigation as and when directed by the investigating agencies is not in dispute.

In the facts and circumstances of the case, it is apparent that the investigation needs to be completed and the case would be tried and decided by the trial Court on the basis of the evidence to be led by the parties before it. Resultantly, interim order dated 06.05.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

02.02.2023
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No