

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-28315-2023 (O&M)

Reserved on: 04.09.2023

Pronounced on: 18.09.2023

Paramjit Chechi

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sant Pal Singh Sidhu, Advocate and
Mr. Vikram Anand, Advocate
for the petitioner(s).

Mr. Ferry Sofat, Addl.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	16.08.2022	Vigilance Bureau, Ludhiana, District Ludhiana	409, 420, 467, 468, 471, 201, 120-B IPC and Sections 7, 7A, 8, 12, 13(2) of the Prevention of Corruption Act, 1988.

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.
3. The most crucial stand of the petitioner’s case, as mentioned in paragraph 5 of the bail petition, reads as under:-

“5. That in the present case, case was registered on 16.8.2022 and petitioner has been nominated in the present case on 11.4.2023. During investigation, the petitioner was not given opportunity by the investigating agency to explain and to produce the documents, which shows that petitioner has not committed any crime. The allegations leveled against the petitioner are that at the time of getting tender, he

supplied registration number of the vehicles, which were found to be of motorcycles, scooters, three-wheelers etc. and those were not of trucks. It is alleged that at the time of getting tenders of Jagraon cluster, the following four numbers of vehicles were found to be not genuine:-

Name of Firm	Cluster	Owner's name	Vehicle No.	Type of vehicle
Gurdas Ram & Company (4) Vehicles	Jagraon	Paramjit Chechi	PB10DF7225 PB13AX9127 PB13AW9379 PB13AW8591	Motorcycle Scooter Three Wheeler Bus

As far as these numbers are concerned, these were supplied at the time of filling the tender after getting the same from Truck Union. But on the basis of these documents, tender was not allotted to the petitioner and same was initially rejected on the technical grounds. Meaning thereby these numbers were never used.”

4. The petitioner’s stand is that the fault was of the truck union which had supplied the numbers of these vehicles i.e. motorcycles, scooters, three wheelers and buses. However, the said tender was not allotted to the petitioner and same was rejected on technical grounds. As far as the second list of four vehicles is concerned, there were minor typographical errors in mentioning the numbers of these vehicles at the time of giving the bid for tender.
5. Counsel for the petitioner has argued that no loss was caused to anybody because of this tender, and entire goods were transported in proper manner. He further submitted that custodial investigation of the petitioner would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
6. The State's counsel opposed the bail and stated that considering the allegations, the petitioner's custodial interrogation is necessary. State has also filed reply and given details of vehicle numbers in the same.
7. State’s counsel has argued that the petitioner had managed to secure the tenders by bribing the concerned officials. He has further submitted that the petitioner had provided lists of vehicles registration numbers and on verification, scooters, motorcycles, cars etc. were found to be registered at those numbers. Thus, the technical bid of the petitioner was to be cancelled. Thus, the intent of the petitioner was to cheat the exchequer under any pretext. State’s counsel has further submitted that the argument to the effect that no loss was caused to anyone is incorrect. In fact, huge loss was caused to the State’s exchequer. Moreover, it is not a question of monetary loss

but the intent of the petitioner to cheat the exchequer.

REASONING:

8. It would be appropriate to refer to the reply dated 6.7.2023 filed on behalf of the State by way of affidavit of Dy.S.P., Vigilance Bureau Range, Ludhiana. In paragraph 12 to 14 of the reply, it is mentioned that during the initial verification of the lists of vehicles submitted by the petitioner, it was found that eight vehicles were found to be of scooter, bus, three wheeler, motorcycles and the petitioner was able to get tenders for 14 crores during the year 2020-21. As far as petitioner's explanation in paragraph 6 of the bail petition that there was clerical mistake regarding mentioning of vehicle numbers in gate passes, *prima facie* appears to be an afterthought. Rather, forged and fabricated gate passes were got prepared and bogus purchase was shown in the records and delivery of the rice was made to the FCI after milling the paddy brought from other States and thus, huge financial loss was caused to the exchequer.

9. The State seeks custodial interrogation of the petitioner to know the names of the persons, including Government employees, who had helped him and further opposes the bail on the ground that the petitioner is not entitled even for regular bail, except on the grounds of the delay in trial, on which ground some of the accused had been granted bail one ground being prolonged pre-trial custody.

10. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

11. In **Jai Prakash Singh v. State of Bihar and another** (2012) 4 SCC 379, Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is *prima facie* of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434, State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213 and Union of India v. Padam Narain Aggarwal (2008) 13 SCC 305].

12. In **State rep. by CBI v. Anil Sharma**, (1997) 7 SCC 187, Supreme Court holds,

[6]. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which

would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.

13. In ***Central Bureau of Investigation v. Santosh Karnani***, Cr.A 1148 of 2023, dated 17-04- 2023, Supreme Court, in an FIR registered under sections under Sections 7, 13(1) and 13(2) of the Prevention of Corruption Act, 1988, holds,

[24]. The time-tested principles are that no straitjacket formula can be applied for grant or refusal of anticipatory bail. The judicial discretion of the Court shall be guided by various relevant factors and largely it will depend upon the facts and circumstances of each case. The Court must draw a delicate balance between liberty of an individual as guaranteed under Article 21 of the Constitution and the need for a fair and free investigation, which must be taken to its logical conclusion. Arrest has devastating and irreversible social stigma, humiliation, insult, mental pain and other fearful consequences. Regardless thereto, when the Court, on consideration of material information gathered by the Investigating Agency, is prima facie satisfied that there is something more than a mere needle of suspicion against the accused, it cannot jeopardise the investigation, more so when the allegations are grave in nature.

[31]. The nature and gravity of the alleged offence should have been kept in mind by the High Court. Corruption poses a serious threat to our society and must be dealt with iron hands. It not only leads to abysmal loss to the public exchequer but also tramples good governance. The common man stands deprived of the benefits percolating under social welfare schemes and is the worst hit. It is aptly said, "Corruption is a tree whose branches are of an unmeasurable length; they spread everywhere; and the dew that drops from thence, Hath infected some chairs and stools of authority." Hence, the need to be extra conscious.

14. Considering these judicial precedents, the facts, and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make out a case for bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor the court is taking up regular bail, nor the trial Court shall advert to these comments.

Petition dismissed. All interim orders stand recalled. All pending applications, if any, also stand disposed.

(ANOOP CHITKARA)
JUDGE

September 18, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No