

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-48446-2022 (O&M)

Sandeep Singh Sandhu ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-46744-2022 (O&M)

Gaurav Sharma ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-55559-2022 (O&M)

Harpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

IV) CRM-M-53804-2022 (O&M)

Lakhwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

V)

CRM-M-57502-2022 (O&M)

Satvinder Singh Kang

... Petitioner

Versus

State of Punjab

... Respondent

Date of Decision:-4.1.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Paras Talwar, Advocate and
Mr. Rishabh Singla, Advocate,
for the petitioner in CRM-M-48446-2022.

Mr. Preetinder Singh Ahluwalia, Advocate with
Mr. Kirat Dhillon, Advocate,
for the petitioner in CRM-M-46744-2022.

Mr. Amit Jhanji, Senior Advocate with
Dr. Anand Bishnoi, Advocate,
Mr. Himmat Singh Sidhu, Advocate and
Mr. Jaskaran Sibia, Advocate,
for the petitioner in CRM-M-55559-2022.

Mr. Sunil Chadha, Senior Advocate with
Mr. Saurav Kanojia, Advocate,
for the petitioner in CRM-M-53804-2022.

Mr. Jitender Singh Dadwal, Advocate,
for the petitioner in CRM-M-57502-2022.

Mr. Jasdev Singh Mehndiratta, Addl.A.G., Punjab.

GURVINDER SINGH GILL, J.(Oral)

CRM-39560-2022 in CRM-M-48446-2022

In view of the reasons mentioned in the application, the same is
allowed as prayed for.

**CRM-M-48446-2022; CRM-M-46744-2022; CRM-M-55559-2022;
CRM-M-53804-2022 and CRM-M-57502-2022 (Main Cases)**

1. This order shall dispose of the above mentioned five petitions filed on behalf of petitioners Sandeep Singh Sandhu, Gaurav Sharma, Harpreet Singh, Lakhwinder Singh and Satvinder Singh Kang. While petitioners Sandeep Singh Sandhu, Gaurav Sharma, Harpreet Singh seek grant of anticipatory bail, petitioners Lakhwinder Singh and Satvinder Singh Kang seek grant of regular bail in respect of a case registered vide FIR No.10, dated 27.9.2022, Police Station Vigilance Bureau, Economic Offences Wing, Ludhiana, District Ludhiana, under Sections 13(1)(A)(2) read with Section 13(2) of Prevention of Corruption Act, 1988 and Sections 409, 120-B of Indian Penal Code, wherein offences under Sections 465, 467, 468 and 471 of Indian Penal Code were added later on.
2. The FIR was lodged at the instance of Karamvir Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Economic Offences Branch, Ludhiana, Punjab, wherein it is alleged that a resolution had been passed by members of Panchayat Samiti for installing street lights in 26 villages of Sidhwan Bet Block, which was duly approved vide Resolution No.4, dated 30.12.2021. The quotations in respect of the same were called and the quotation submitted by 'M/s Amar Electrical Enterprises' @ Rs.7,288/- per light was accepted by Satvinder Singh Kang, BDPO and a payment of Rs.60 lakhs was made to the aforesaid firm i.e. 'M/s Amar Electrical Enterprises' within 2 days thereafter. It is alleged that the aforesaid contract was awarded in undue haste solely to extend undue benefit to 'M/s Amar Electrical Enterprises' as well as to others, who were involved in the same and as a

matter of fact the approved rate of the said lights was Rs.3,325/- per light as had been duly fixed by XEN, Panchayati Raj, Public Works Division, Ludhiana. It is alleged that the entire amount of Rs.65 lakhs as had been released for installation of street lights in 26 villages was usurped by Satvinder Singh Kang, BDPO in connivance with Gaurav Sharma, Proprietor, 'M/s Amar Electrical Enterprises'. It is further the case of prosecution that during the course of investigation the involvement of Sandeep Singh Sandhu, Harpreet Singh and Lakhwinder Singh were also found.

3. Learned counsel representing the petitioner Satvinder Singh Kang (in CRM-M-57502-2022) has submitted that he has falsely been implicated in the present case and that as a matter of fact the lights were not at all available at the approved rate of Rs.3,325/- per light and on account of which even in adjacent villages including villages, which come under BDPO, Sudhar, the street lights were installed @ Rs.12,560/- per light plus taxes. It has been submitted that the quotation as submitted by 'M/s Amar Electrical Enterprises' was accepted being the lowest and was accepted in accordance with the prescribed procedure for purchases and no fault can be found in the same. It has further been submitted that the petitioner, in any case, has been behind bars since the last more than 3 months and that his custodial interrogation will not serve any useful purpose.
4. Learned counsel representing the petitioner Lakhwinder Singh (in CRM-M-53804-2022) has submitted that he had been working as a Chariman of the Panchayat Samiti and that the only allegation against him is that he had signed on the utilization certificate, which had been issued after the supply of

material, which had been ordered i.e. LED lights. It has further been submitted that the petitioner Lakhwinder Singh has also been behind bars since the last more than 3 months and since challan already stands presented, his custodial interrogation will not serve any useful purpose.

5. Learned counsel representing the petitioner Gaurav Sharma (in CRM-M-46744-2022) has submitted that he is proprietor of 'M/s Amar Electrical Enterprises' and is dealing in all kinds of electrical equipments including lighting etc. and had supplied the material as had been ordered by the Panchayat Samiti and that the rate of lights was the one which was the prevalent rate. It has further been submitted that there is nothing to establish any kind of complicity on the part of the petitioner and that his entire dealing with Panchayat Samiti was part of his business transaction.
6. Learned counsel representing the petitioners Sandeep Singh Sandhu (in CRM-M-48446-2022) and Harpreet Singh (in CRM-M-55559-2022) have submitted that both of them have nothing to do with the affairs of the Panchayat Samiti and are private individuals and have been falsely implicated on account of political vendetta as petitioner Sandeep Singh Sandhu had remained associated with Captain Amarinder Singh, the then Chief Minister of Punjab. It has further been submitted that the petitioner Harpreet Singh has been involved solely on the allegation that he is related to Sandeep Singh Sandhu, whereas he is not related to Sandeep Singh Sandhu in any manner.
7. Opposing the petitions, learned State counsel has submitted that it is a case where the complicity of the accused is clearly evident and that during the course of investigation call-details of accused Sandeep Singh Sandhu,

Harpreet Singh and Satvinder Singh Kang, BDPO had been collected, which clearly show that they were regularly in touch with each other. It has further been submitted the very fact that a contract was issued in favour of accused Gaurav Sharma for installation of LED lights at a rate which is almost double the approved rate, clearly shows that all the accused were hands in gloves with each other. It has been submitted that the petitioner Sandeep Singh Sandhu, who was closed to the then Chief Minister of Punjab, had exercised his influence in getting the contract in favour of the petitioner Gaurav Sharma at exorbitant rates and all the accused had shared the profit so earned by dubious means. It has also been submitted that when the FIR was lodged, the street lights had been installed only in 5 villages and that it is only subsequently that the street lights in another 17 villages were installed and which are of inferior quality and are not upto the mark. Learned State counsel has further submitted that the custodial interrogation of petitioners Gaurav Sharma, Sandeep Singh Sandhu and Harpreet Singh is required so as to trace the ill-gotten wealth. It has also been submitted that releasing the petitioners on bail will not be safe as they are already intimidating the witnesses.

8. This Court has considered the rival submissions.
9. The allegations are broadly to the effect that a contract for supply of LED lights had been issued in favour of petitioner Gaurav Sharma, Proprietor, 'M/s Amar Electrical Enterprises', for purchase of LED lights @ Rs.7,288/- per light, whereas the approved rate was Rs.3,325/- per light. It is petitioner Satvinder Singh Kang, who was the BDPO under whose signatures the contract had been allotted. The petitioner Satvinder Singh Kang, BDPO as

well as petitioner Lakhwinder Singh, Chairman, Panchayat Samiti, who is stated to have signed on the utilization certificate, are both in custody since the last more than 3 months. The challan already stands presented in the present case. In these circumstances, their further detention will not serve any useful purpose, as conclusion of trial is likely to consume time and has not even commenced till date.

10. As far as the petitioner Gaurav Sharma is concerned, he is stated to be the supplier of LED lights. He being supplier/businessman had apparently supplied the goods pursuant to any order received by him. At this stage, it cannot be said that he had overcharged intentionally in connivance with the other accused.
11. As far as the petitioners Sandeep Singh Sandhu and Harpreet Singh are concerned, they are private individuals. Though petitioner Sandeep Singh Sandhu is stated to have remained as Officer on Special Duty (OSD) of the former Chief Minister, Punjab but as on the date of occurrence, he was not holding any office and even the Chief Minister had resigned on 18.9.2021 i.e. much prior to occurrence. In these circumstances, it cannot be said that the petitioners Sandeep Singh Sandhu and Harpreet Singh were holding any position to have exercised any kind of undue influence.
12. Having regard to the aforesaid discussion and the totality of facts and circumstances of the case, all the five petitions are accepted and it is ordered that the petitioners Sandeep Singh Sandhu, Gaurav Sharma and Harpreet Singh, in the event of arrest, be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when

called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. The petitioners Lakhwinder Singh and Satvinder Singh Kang are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main cases.
14. A copy of this order be placed on the file of each connected case.

4.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No