

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

CRM-M-58157-2022 (O&M)
Date of Decision:-6.2.2023

Davinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate and
Mr. Vishal Lamba, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.24, dated 27.10.2022 at Police Station Vigilance Bureau, Range Ferozepur, District Ferozepur, under Sections 13(1)(a)(2) of Prevention of Corruption Act, 1988 as amended by P.C. (Amendment) Act, 2018, and Sections 409, 420, 467, 468, 471 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Kewal Kishan (PPS), wherein it is alleged that Government of Punjab had floated tenders for transportation of wheat purchased during the year 2022-2023 from various *mandies*, which are divided into clusters and that Davinder Singh, Davinderpal and Gurshakti contractors had been successful in getting contracts for different clusters for the purpose of transportation of wheat for *mandies* during the year 2022-

2023. It is alleged that at the time of making bid for the said transportation work, the aforesaid three persons had furnished registration numbers of the vehicles i.e. the trucks to be used for the purpose of transportation and it was on the basis of number of trucks offered by the said contractors, which were to be used that they were successful in getting the contracts but subsequently upon verification it was found that some of the registration numbers so furnished were infact registration numbers assigned to two wheelers, tractors, motorcycle, jeep etc. and by doing so, they had thus caused undue gain to themselves and loss to the government. It is also alleged that the aforesaid contractors in connivance with officials of the department had committed fraud with the government.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the entire transportation work had been undertaken and no loss had been caused to the Punjab Government.
4. Learned State counsel has, however, opposed the petition on the ground that it is a case where the petitioner had been successful in getting the contract in connivance with the officials of department concerned and that as a matter of fact there were some other bidders, who had given a much higher bid than the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 months and also stands involved in 2 other cases. It has also been informed that challan already stands presented and none out of the cited 53 PWs has been examined till date.
5. Without commenting anything as regards the merits of the case, but having regard to the custody of the petitioner i.e. 3 months and 7 days and also the fact that conclusion of trial is likely to take some time inasmuch as not even

a single PW out of the cited 53 PWs has been examined so far, 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.

6.2.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No