

CRM-M-508-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-508-2024  
Reserved on: 15.02.2024  
Pronounced on: 20.02.2024

Naveen Ratra @ Naveen Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gautam Dutt, Advocate and  
Ms. Mehtab Kamboj, Advocate for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                                                    | Sections                                                                                    |
|---------|------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 0021    | 05.09.2023 | ACB, Faridabad,<br>District Anti<br>Corruption Bureau,<br>Haryana | 120-B, 166, 167, 201, 218, 406,<br>409, 420 IPC and 13(2), 13(1)(a) &<br>7 of P.C. Act 1988 |

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail by filing the present petition.
2. Vide order dated 08.01.2024, the petitioner was granted interim bail, which is continuing till date. When the matter was listed on 07.02.2024, interim order was extended when petitioner voluntarily stated that to prove his honesty, he will declare his assets as well as of his spouse and would not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India or any other fundamental right/law. Today i.e. 15.02.2024, petitioner’s counsel submits that he has voluntarily complied with the order dated 07.02.2024 and handed over two sets of affidavits to the investigator. The investigator may verify such assets if required. The concerned investigator is further directed to forward one original copy of the affidavit to the petitioner’s employer within two weeks from today,
3. Prosecution’s case is taken from the reply dated 23.01.2024, which reads as follows:-

“3. The allegations in brief as contained in the FIR are that the accused persons named in the FIR including the petitioner by committing the offence of Criminal Misconduct and other offences under the Indian Penal Code as indicated in para 1 above, awarded a tender to contractor Satbir Singh for installation of 590 iron grills in the divider road from crematorium, Ballabgarh to Tigaon chowk bye pass by deliberately splitting the work in parts to keep the tender amount below Rs. 1 crore so as to avoid seeking of approval of the HQ Chandigarh. It is further alleged that such 6 works which were awarded to the contractor Shri Satbir Singh was of the total value of Rs. 27,52,000/- (447000+460000+530000+440000+442000+433000) (details of six works) which were dishonestly and with an ulterior motive of causing wrongful gain to themselves and the contractor were enhanced and revised to Rs. 5,80,47,574/- (9917905+9991325+9311949+9678988+9718103+ 9429304) without actually getting any work executed and thus cheated and caused corresponding wrongful loss to the Govt. exchequer.

4. That it was further revealed that during enquiry conducted by the Executive Engineer, Ballabgarh Zone, Municipal Corporation Faridabad vide his letter no. 86 dated 21.01.2022 had informed this office that as per record of Ballabgarh Zone for the year 2015, one work order no. MCF/EE- IV/2015/424 dated 11.09.2015 was issued for RMC, Divider and Grill on Tigaon road. No other work order has been issued for fixing of iron grill on Crematorium, Ballabgarh to Tigaon Chowk, Bye Pass Road and it has also come in to the notice during the investigation that the works which were decided to be done by way of preparing fake orders, had already been completed earlier vide work order no. 424 dated 11.09.2015, thus the accused in connivance with the other co-accused has committed fraud by getting prepared the fake work orders in 2018 for the work which had already been done earlier in 2015. Copy of the letter/work, order of the Executive Engineer (B), Municipal Corporation Faridabad is attached as Annexure R-I.

5. That during the course of investigation, the Executive Engineer, Municipal Corporation, Faridabad, Ballabgarh Zone vide letter

bearing no. MCF/E.E- 4/2023/554 dated 14.09.2023 has informed the Investigating Officer that as per available record work orders bearing no. 1436,1444,1445,1447,1449 and 1456 dated 27.11.2018 were not found to be issued from their office. The copy of the said memo is attached as Annexure R-II(COLLY).It is pertinent to mention here that it is clear from this version that the co-accused in connivance with the Petitioner has prepared fake/forged record to give undue benefit to themselves and cause undue loss to the Government Exchequer.

6. That it was further revealed that the entry of all the 5 bills in MW-14 have been made by Shri Rajendra Kumar Clerk Accounts Branch (now retired), and noting sheet for payment of related bills has been found to be prepared by Petitioner/accused Shri Naveen Kumar Clerk Accounts Branch, Municipal Corporation, Faridabad. The bills were checked by Mr. Vinod Kumar, Superintendent Budget, Accounts Wing and Mr. Vishal Kaushik OIA (Officer Incharge of Account). It is also revealed during the enquiry that Sh. Satish Kumar Accounts Officer had proposed for the release of the payments to the contactor Satbir Singh. It was revealed that the bills were sent to the audit branch, Municipal Corporation, Faridabad for pre-audit by Mr. Vishal Kaushik OIA (Officer In-charge of Accounts). After that pre audit was done by Shri Naveen Kumar Senior Auditor and Shri Hargu Lal Audit Officer, Municipal Corporation, Faridabad. The bills were again sent to Accounts Branch for payment. The Petitioner and other co-accused have misused their official position and power and have given undue financial benefits to themselves and undue loss to the Corporation/Government exchequer.

7. That during the investigation of the case, it has been found that office note pertaining to the release of payment was prepared and cheque No.029585 dated 26.07.2019 was prepared by the petitioner. Copy of the noting sheet is attached as Annexure R-III. It is pertinent to mention here that the 1<sup>st</sup> running bill of work order No.1436, 1444, 1445 and 1447 were prepared by the petitioner who had marked his signatures on the stamp of Assistant and did not obtain the signatures of superintendent and AAO whereas the petitioner is just posted as a Clerk. One of the

copy of the said running bill is attached as Annexure R-IV. The petitioner was well aware of the fact that Prem Raj XEN and Sher Singh A.E. are not posted in the said wards and further Prem Raj XEN had already been transferred to Hisar but instead of raising objections, the petitioner entered the same in the register which clearly prove the involvement of the petitioner in the commission of crime with the contractor and other public servants.”

4. I have heard counsel for the parties and gone through the pleadings. Petitioner-Naveen Ratra was posted as Clerk in the Accounts Branch and his task was to enter the figures by checking bills. State did not point towards any document to show that his task was also to visit the spot and verify the work carried out at the spot itself. Further being a Clerk in Accounts Branch he had hardly any decision taking authority. Coupled with this, petitioner has demonstrated his honesty by voluntary declaring his assets as well as of his spouse. However, it is not a case for pre-trial custody or custodial interrogation.
5. Given above, petition is allowed and interim order dated 08.01.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

20.02.2024  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.