

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

CRM-M-17601-2024 (O&M)
Date of Decision:-25.4.2024

Sanjeev Kumar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aman Bahri, Advocate and
Mr. Bawa Karanveer, Advocate,
for the petitioner.

Mr. Deepender Singh, Addl.A.G., Punjab.

FIR No.	Dated	Police Station	Section/s
10	17.8.2017	Vigilance Bureau, Phase I, Mohali, District S.A.S. Nagar	406, 420, 467, 468, 471, 477- A, 201, 120-B of Indian Penal Code, Section 13(1) (D) read with Section 13(2) of P.C. Act, 1988

GURVINDER SINGH GILL, J. (Oral)

CRM-17813-2024

In view of the reasons mentioned in the application, the same is
allowed and the documents annexed with the application are taken on record
as Annexures P-9 to P-12 subject to all just exceptions.

CRM-M-17601-2024 (Main Case)

1. The petitioner, who is working as Divisional Accounts Officer-I in Divisional Account Office, Executive Engineer Provisional Division, PWD (B&R), Ferozepur, seeks grant of anticipatory bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that one Gurinder singh had been allotted a contract on the basis of bid although the rates quoted by him were more than double the market price and that fictitious quotations were submitted which were considered by the officials of the department in connivance with the contractor. It is further alleged that as a matter of fact some other qualifications were also relaxed in favour of the said contractor. Learned counsel for the petitioner submitted that the matter has already been investigated by the police and challan already stands presented. The relevant extract from the challan is reproduced hereinunder:-

“The accused Davinder Singh Kohle, Nigran Engineer now retired, Rajinder Singh Saini, Nigran Engineer rettd., Varinder Kumar Bangar Nigram Engineer, Harjinder Pal Singh Maan Executive Engineer, Joginderpal Walia JE, Ashok Kumar Wahi JE Retd. and Sanjeev Kumar Singh, Divisional Accountant have joined the investigation of the FIR. Nothing was to be recover or enquire from in the police custody from them, for which their challan is being presented without their arrest.”

3. It has been submitted that several other officials of the department were also arrayed as accused and when they moved for grant of anticipatory bail, the statement was made on behalf of the prosecution that custodial interrogation is not required and consequently they were granted anticipatory bail vide order dated 20.9.2018 (Annexure P-9) passed by learned Additional Sessions

Judge, SAS Nagar, Mohali. Learned counsel for the petitioner submits that the petitioner had no role whatsoever in the allotment of contract in favour of the contractor and has been arrayed as an accused since several payments had been processed by the petitioner, who was working in the accounts branch.

4. Notice of motion.
5. At this stage, Mr. Deepender Singh, Addl. A.G., Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
6. Learned State counsel has not disputed that the entire investigation stands concluded and challan has been presented against 32 accused including the petitioner. Learned State counsel has fairly stated that, at this stage, custodial interrogation of the petitioner is not warranted. Learned State counsel stated that the petitioner is, however, required to join the proceedings of the trial, which is presently at the stage of consideration of charges against the accused.
7. In view of the aforestated position, wherein this Court finds that the investigation already stands concluded and challan stands presented against all the accused including the present petitioner and identically situated co-accused have been granted anticipatory bail and learned State counsel has stated that the petitioner is not required for any custodial interrogation at this stage, the instant petition merits acceptance and is accepted. The petitioner is directed to surrender before the Trial Court before the next date of hearing fixed before the trial Court, which is stated to be 3.5.2024 and to move an application for grant of regular bail. Upon appearance of the petitioner, learned Trial Court shall release the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to its satisfaction.

8. It shall be open to the Trial Court to impose any such condition as deemed appropriate so as to ensure regular presence of the petitioner before the Trial Court on each and every date.
9. The instant petition stands disposed off accordingly.

25.4.2024

Geeta/P

Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No

Yes / No