

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29213-2024
Reserved on: 15.07.2024
Pronounced on: 23.07.2024

Rajeev Kumar Arora ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Manish Soni, Advocate
For the petitioner.

Mr. Anurag Chopra, Addl. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
9	22.05.2024	Vigilance Bureau Range, District Jalandhar	13(1)(A) r/w 13(2) of PC (Amendment) Act 2018 and Sections 420, 406, 409, 465, 467, 468, 471 & 120-B IPC

1. The petitioner, who is in custody for allegedly siphoning a massive amount of money in conspiracy and involvement of co-accused for building of Memorial of Jang-E-Azadi Project, incarcerated upon his arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. On 03.07.2024, this Court granted interim bail to the petitioner and one of the reason for granting bail was that the petitioner had voluntarily agreed to declare his and his wife’s assets, which was mentioned in para 13 of the bail order and had also submitted that he would not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India, Bharatiya Sakshaya Adhiniyam 2023 or any other fundamental right/law.
3. Mr. R.S.Rai, Sr. Advocate appearing for the petitioner submits that petitioner has complied with the previous order dated 03.07.2024 and handed over affidavit to the State counsel and in case, they have any doubt about honesty of petitioner, they can enquiry about all the assets.
4. Counsel for the State submits that they have all the legal rights to enquire into the

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petitioner's assets to recover the misappropriated amount and they also have the right to refer the matter to the notice Enforcement Directorate under Section 60(2) of PMLA Act 2002.

5. Prosecution's case is being taken from reply dated 08.06.2024, which reads as under:-

"2. That the brief facts of the case are that the present FIR was registered in our office on 22.05.2024 after conducting the enquiry having No.5 dated 14.07.2023 in the present case. During the course of enquiry, it was found that the present petitioner alongwith 25 persons were involved in the misappropriation of Govt funds and also they all in connivance with each other entered into forgery of bills / documents in order to have wrong gain to themselves and caused wrongful loss to the Govt, while constructing Jung-e- Azadi Memorial situated at Kartarpur, Jalandhar to the tune of Rs.27 Crores. On the basis of enquiry, present FIR No.9 dated 22.5.2024 under sections 420, 406, 409, 465, 467, 468, 471, 120-B IPC and under section 13(1a) r/w section 13(2) P.C. Act 1988 as amended by P.C. Act amendment 2018, was registered at P.S. Vigilance Bureau, against the present petitioner alongwith 25 persons. Out of which petitioner alongwith 15 more persons namely Deepak Kumar Singal, Arvinder Singh, Tejram Katnoria, Paramjit Singh, Rohit Kumar, Raghuvinder Singh, Santosh Raj, Harpal Singh, Jatinder Arjan, Harpreet Singh, Mandeep Singh, N.P. Singh, Rajat Gopal, Gauravdeep, Rohit Kondal, were arrested by the Investigation officer on 22.05.2024. The petitioner alongwith other co-accused were produced before the Ld. Illaqa Magistrate, Jalandhar, who had granted two days remand to all of the accused till 25.05.2024. Then again on 25.05.2024 the accused were produced before the Duty Magistrate, who had granted two days remand to all the accused till 27.05.2024. Then the accused were presented before the Ld. Magistrate on 27.05.2024 and they were sent to the judicial custody on that date."

6. Petitioner's counsel submits that there was no need to arrest the petitioner and neither any need for further interrogation nor pre-trial incarceration and petitioner's arrest was totally unjustified. Counsel further submits that now after his arrest he was sent to judicial custody which points out that police custody was not extended and now keeping the petitioner in custody would not serve any purpose at all and furthermore the petitioner has demonstrated his honesty by declaring his assets. On the contrary, State counsel vehemently opposes the bail and referred to the role of the petitioner mentioned in the reply, which reads as under:-

"ROLE OF THE PETITIONER

The petitioner was working as S.D.O. in JUNG-E-AZADI Project and looking after the construction of civil work and other things of the project namely Jung-e-azadi situated at Kartarpur, District Jalandhar. The petitioner is hand in gloves with other officials and the builder, had

intentionally enhanced the rate for centering, shuttering/de-shuttering for specialized Shell structure of JUNG-E-AZADI Memorial Project Building in order to give wrongful gain to the Deepak Builders, which caused a loss of approx. Rs.5 Crores to the Govt. Even also the petitioner had not reported the fact that the builder had not erected the total number of Statues which is 40 as mentioned in the tenders rather the builder has installed only 30 Statues. In this way, the builder had taken an amount of Rs.23 lacs approx. more from the Govt. of those 10 Statues which were never installed by the builder at the site, which caused a great loss to the Govt. This information was never given by the petitioner to the Committee or the Govt. at any point of time, regarding non-installation of 10 Statues at the site. Even also there are number of bills which were forwarded by the present petitioner given by the construction company though the work was not done, in connivance with other officials and the builder. Moreover, the petitioner had verified the bills as well as entered the same into MB Books though the work and the material mentioned in some of the bills were never done at the site of JUNG-E-AZADI Project, as inspected by technical teams.

3. That the case is still under investigation and there is a huge misappropriation of money by the builder in connivance with the petitioner and other co-accused. In this way, the petitioner alongwith other co-accused had misappropriated the Govt. money in connivance with each other by forging the bills. The petitioner alongwith other co-accused had misappropriated an amount of Rs.27 Crores which caused a Agreat loss to the Govt exchequers, as such does not deserve the concession of bail.”

7. An analysis of the above facts and argument advanced by counsel for the parties, would reveal that after arrest, petitioner’s police custody was not extended and he was sent to judicial custody when he was granted interim bail by this Court. Thus, given the facts and circumstances peculiar to the case coupled with the fact that petitioner had voluntarily declared assets and nature of allegations, there would be no justification for further pre-trial incarceration.

Petition is allowed. Interim order dated 03.07.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

23.07.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.