

CRM-M-29790-2024 and connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 15.07.2024/22.07.2024
Pronounced on: 24.07.2024

CRM-M-29790-2024

Mandeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-29803-2024

Arvinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30019-2024

Harpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30038-2024

Gaurav Deep Singh @ Gauravdeep ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30075-2024

Raghwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-29873-2024

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Rohit Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30040-2024

Rajat Gopal ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30061-2024

Narinder Pal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30073-2024

Santosh Raj ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30170-2024

Jatinder Arjun ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-30305-2024

Harpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-28529-2024

Tej Ram

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-28562-2024

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-28574-2024

Deepak Singal

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-30630-2024

Rohit Kaundal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Bhrigu Dutt Sharma, Advocate
For the petitioner(s) in CRM-M-29790-2024.

Mr. R.S. Rai, Sr. Advocate with
Mr. R. Kartikeya, Advocate
Mr. P.S. Ahluwalia, Advocate
Mr. Sushant Kareer, Advocate and
Ms. Rubina Virmani, Advocate
for the petitioner(s) in CRM-M-29803-2024,
CRM-M-28574-2024 and CRM-M-30630-2024.

Mr. G.S. Ghumman, Advocate
For the petitioner(s) in CRM-M-30019-2024.

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Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. P.S. Bindra, Advocate
Mr. Manmeet Bindra, Advocate and
Mr. Navjot Singh, Advocate
for the petitioner(s)
in CRM-M Nos.30038, 30040 & 30061 of 2024 and CRM-M-28529-2024.

Mr. Arun Sharma, Advocate
For the petitioner(s) in CRM-M-30075-2024.

Mr. Zorawar Singh Chauhan, Advocate
For the petitioner(s) in CRM-M-29873-2024 and CRM-M-28562-2024.

Mr. Amit Dhawan, Advocate
For the petitioner(s) in CRM-M-30073-2024.

Mr. Fateh Singh Dhillon, Advocate for
Mr. K.S. Minhas, Advocate
For the petitioner(s) in CRM-M-30170-2024.

Mr. Ankur Bansal, Advocate
For the petitioner(s) in CRM-M-30305-2024.

Mr. Ankur Chopra, Addl. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
09	22.05.2024	Vigilance Bureau, Jalandhar	406, 409, 420, 465, 467, 468, 471, 120-B IPC r/w 13(1)(A) & 13(2) of PC Act

This common order shall dispose of all the above mentioned petitions. For the sake of brevity, facts have been taken from **CRM-M-29790-2024 titled as Mandeep Singh vs. State of Punjab.**

1. The petitioner(s), incarcerated upon their arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. Vide orders dated 31.05.2024/15.07.2024, petitioner(s) were granted interim bail and one of the reason for granting bail was that the petitioner(s) had voluntarily agreed to declare their assets along with their spouse.
3. Petitioners’ counsel submit that they have voluntarily complied with the above mentioned orders and handed over the affidavit to the State counsel. Counsel further submit that petitioners would not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India, Bharatiya Sakshaya Adhiniyam 2023 or any

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other law in force. The investigator may verify such assets if required and proceed in accordance with law, if any anomalies found. After getting such affidavit, the concerned investigator is further directed to forward one original copy of the affidavit to the petitioner's employer, who are in employment of the government, within two weeks from that day. He further submits that further pre-trial incarceration would cause an irreparable injustice to the petitioner and family.

4. The State's counsel does not dispute the contention made by counsel for the petitioner, however opposes the bail.

5. Facts of the case have been taken from the reply dated 12.07.2024 filed in CRM-M-29790-2024, 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 Vigilance enquiry 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 causes wrongful loss to the Govt. while constructing Jang-e-Azadi Memorial situated at Kartarpur, Jalandhar to the tune of Rs.27 Crores approximately. On the basis of enquiry and reports received from technical teams of various departments, 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) read with 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, Raghvinder Singh, Santosh Raj, Harpal Singh, Jatinder Arjun, Harpreet Singh, Rajiv Kumar Arora, Narinder Pal 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. However, the accused Deepak Kumar Singal, Tejram Katnoria, Paramjit Singh were granted interim bail by this Hon'ble Court."

6. I have gone through the record and heard counsel for the parties and its analysis would lead to the outcome that it is a case of documentary evidence and petitioners were already in police custody and were sent to judicial custody, as such to send back

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the petitioners in judicial custody will not help in investigation in any manner whatsoever.

7. Given the facts and circumstances peculiar to the case coupled with the fact that petitioner(s) had voluntarily declared their assets and the period of custody, there would be no justification for further pre-trial incarceration.

Petitions are allowed. Respective interim orders are made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.07.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.