



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211-1

CRM-M-29914-2024

Date of decision: 25.11.2024

Sunny Jain

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S. S. Saron, Advocate, for the petitioner.

Mr. Anurag Chopra, Additional Advocate General, Punjab
assisted by Jatinder Singh, DSP, VB Unit, Kapurthala.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.09 dated 22.05.2024 under Sections 420, 406, 409, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Sections 13(1)(A) read with 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau Jalandhar, Punjab.

2. On 14.06.2024, while noticing the following submissions made by the learned counsel for the petitioner, the co-ordinate Bench of this Court had issued notice of motion:-

“Learned counsel for the petitioner contends that the petitioner is a Civil Engineer by the profession and with an oblique motive, is being made a scapegoat, who has been caught in a political crossfire, where the investigation in the FIR No.09 dated 22.05.2024 is motivated, which had been initiated to proceed against one Sh.Barjinder Singh Hamdard/accused No.1 and the petitioner is being

unnecessarily dragged into the investigation. He further contends that the allegations levelled in the FIR against the present petitioner are false as all the financial transactions were duly scrutinized and there were no irregularities as being alleged in the present FIR. He argues that material supplied in the project required approval from competent authorities and it is only after seeking approval, the same was procured. Learned counsel has argued that seven member Executive Committee was constituted by the State to start the construction work and the accused No.1 Barjinder Singh Hamdard was appointed as the President and accused No.2-Viney Bublani was CEO of the said project, who were jointly authorized to sign cheques for making payments for construction of the projects including all other works like civil/internal work etc. He submits that accused Nos.1 and 2 approached this Court by way of Civil Writ Petition(s) bearing No.13021-2024 and 13361- 2024, where vide order dated 31.05.2024 (Annexure P-4), the arrest of the petitioners therein (accused Nos.1 and 2) had been stayed and they were directed to join the investigation as and when required by the investigating agency. Similarly, the other three co-accused in the present FIR No.09 dated 22.05.2024, namely, Tej Ram, Paramjit Singh and Deepak Singal also approached this Court seeking the concession of regular bail, where vide order dated 31.05.2024 (Annexure P-5), this Court granted interim bail and now the same are pending adjudication for 12.07.2024. Learned counsel further asserts that the petitioner has been falsely implicated and the allegations levelled against him are politically motivated whereas he has nothing do to with the alleged crime and claims parity where the concession of interim protection has already been granted to the other co-accused.”

3. Thereafter, vide order dated 10.09.2024, the petitioner had been granted interim anticipatory bail and asked to join the

investigation.

4. Learned counsel for the petitioner submits that in compliance of order dated 10.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the present petition is allowed and interim order dated 10.09.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS.

25.11.2024
anil

(MANJARI NEHRU KAUL)
JUDGE

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