



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-47535-2024
Date of decision: September 23rd, 2024

Rajneesh Kumar Mittal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Himanshu Puri
and Mr. Balwinder S. Hundal, Advocates
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.32 dated 18.07.2024 under Sections 406 420 465 467 468 471 120-B of the IPC read with Section 13(1)(a) and 13(2) of Prevention of Corruption (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, Patiala.

2. Learned counsel for the petitioner submits that the petitioner, who is the President of the Municipal Council, has been falsely implicated in the present case; he is not even remotely involved in the disputed transaction. It has been further argued that the petitioner was occupying only a political post and was, therefore, not involved in the technical aspects of the transaction. Technical process, as per the learned counsel, were overseen by the Executive Officer, and the petitioner had just relied on the officer's due diligence when signing the cheques in question. Furthermore, learned counsel has highlighted that a

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departmental inquiry had already been conducted on the same set of facts, during which a show cause notice was issued to the petitioner. The inquiry was subsequently closed, with the conclusion that no financial loss had been caused to the department. It has been further contented by the learned counsel that the petitioner's exoneration in the departmental inquiry clearly indicates that there was no wrongdoing on his part. Learned counsel has lastly contended that since the case against the petitioner is based purely on documentary evidence, his custodial interrogation would not be required.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. No doubt, the learned counsel for the petitioner has laid a great deal of stress on his exoneration in the departmental inquiry, however, a perusal of the show cause notice annexed as Annexure P-2 reveals that it was withdrawn only after the misappropriated funds were returned to the account of the Municipal Council, and with an advice to the petitioner to remain vigilant in the future. It needs to be clarified that departmental and criminal proceedings are distinct, and the withdrawal of the show cause notice does not absolve the petitioner in the criminal case.

5. The allegations against the petitioner are *prime faice* serious, involving a conspiracy with the co-accused to wrongfully benefit Adarsh Cooperative Society by transferring crores of rupees in its account without the Municipal Council having issued any tender.

The cheques facilitating this transfer allegedly bear the signatures of the



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petitioners along with the other co-accused.

6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No