

CRM-M-60342-2023-1-2024 PHHC:077898

259-3

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-60342-2023
Date of decision:-30.05.2024

RAJBIR SINGH... Petitioner

Versus

STATE OF HARYANA... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Aman Pal, Advocate, for the petitioner
Mr. Surender Singh, AAG, Haryana.
Mr. Puneet Jindal, Sr. Advocate with
Ms. Malvi Aggarwal, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
401	19.05.2023	120-B, 406, 420, 466, 467, 468, 471, 409 and 477-A IPC	City Yamuna Nagar, District Yamuna Nagar

2. In a nutshell brief facts of the case are that a complaint dated 19.05.2023 was lodged by Pawan Narula, Executive Engineer, (OP) Division, UHBVN, Yamuna Nagar (UHBVN hereinafter referred to as Nigam) alleging that M/s S.B. Roadline Shop No.9, Booter Market, Sasouli Road, Opposite Government School, Yamuna Nagar is an authorized contractor of the Nigam for carrying out the electrical works under said Division. On checking of the record for the years 2021-22 and 2022-2023 it



was found that M/s S.B. Roadline has submitted forged bills in the office of (OP) Division, UHBVN, Yamuna Nagar and encashed the payment against illegal and false bills in connivance with some employees of Nigam. Approximately, an amount of ₹2,01,28,255/- has been encashed against the forged and fake bills and total loss to the Nigam will be calculated in due course after completion of final audit. On the basis of the information, FIR was registered and SIT was constituted to inquire into the matter. Accused Kulwant Singh and Rajbir Singh were interrogated and arrested. Special Audit Report was prepared by Executive Engineer (OP), UHBVN, Yamuna Nagar in which there is an embezzlement of ₹11,07,22,106.18/- by S.B. Road lines.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was not named in the FIR and is in custody since 05.07.2023. After completion of investigation, challan has been presented in Court and Co-accused Balbir Singh has already been granted concession of bail by learned trial Court. He contends that the petitioner was working as a lineman and had no role to play in preparation of the bills. He contends that after his arrest only ₹10,000/- were recovered from him. He contends that the trial will take sufficient long time to conclude, as such he prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned Senior counsel representing the complainant have assailed these arguments by submitting that although the petitioner was a lineman but had been working as Assistant and has actively participated in the process of releasing the

amount to co-accused M/s S.B Roadlines without verification of the record whereby embezzlement has been committed by the petitioner in connivance with the other co-accused on the basis of forged and fake bills, hence they prayed for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it is transpires that the petitioner although posted as lineman but was deputed to work as Assistant. As per the allegations levelled by the prosecution, some fake and forged bills and even some duplicate bills have been submitted by M/s S.B. Roadlines qua the release of the payment pertaining to the work done by it and the payment thereof has been released. The petitioner is in custody since 05.07.2023, challan has already been presented in Court. The conclusion of trial in the present case, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.05.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No