

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-28433-2023

Date of decision: 27.02.2024

GURINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Deepak Nayar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed for setting aside the impugned notice dated 13.12.2023 sent by the Vigilance Bureau, Ludhiana claiming that he has not been supplied a copy of the complaint and he has no information as to what is the information being sought for from him.

Learned counsel for the petitioner submits that the petitioner is running a business of material of construction work which is private business and that he is at shock to receive a notice from the Vigilance Department without disclosing any vital details. He contends that he apprehends his arrest by the Vigilance Department.

I have heard learned counsel appearing on behalf of the petitioner at length. The impugned notice dated 13.12.2023 is extracted as under:-

“From

*Deputy Superintendent of Police,
Vigilance Bureau Range-2,
Ludhiana.*

To

*M/s.Mangat Building Material Store,
Village Kohara.
Mobile No. 97791 09800.*

No. 13323 VB/LDH

Date: 13.12.2023

Subject: Complaint No. 246/2023/Ludhiana.

With regard to the subject cited above, this is to inform you that you are having Account No.50200057819140 in HDFC Bank, B.O. Kohara, in which account, Cheque No. 189 dated 27.10.2022 for Rs.4,62,000/-, Cheque No. 197 dated 1.11.2022 for Rs.3,99,000/-, Cheque No. 208 dated 5.11.2022 for Rs.2,66,700/- AND in Account No.30141000003713, a sum of Rs.46,750/- on 27.10.2022 & Rs.3,48,768/- vide Cheque No. 207 dated 5.11.2022 is deposited by Gram Panchayat, village Baukarh Gujran. You are called upon to furnish as to for what purpose the said amounts are deposited in your account. In case you are having any record in this connection, the same be provided to this office today itself by appearing in person in this office. It may be treated as most important.

*Sd/
Shiv Chand, P.P.S.
Deputy Superintendent of Police,
Vigilance Bureau Range,”*

It is evident from a perusal of the aforesaid notice that the Vigilance Department has sought details as regards the amount which has been received in the account of the petitioner from Gram Panchayat Village Baukarh Gujran on 27.10.2022 and 05.11.2022. The Vigilance Bureau has also conveyed the specific cheque numbers against which the above said amount was credited to the account of the petitioner and has sought details as regards the objects/purpose against which the said amounts were transferred by the said Gram Panchayat to the account of the petitioner. During the course of an enquiry, the respondent Vigilance Department has furnished the specific information which the petitioner is inquired to answer.

Further, insofar as the apprehension of the petitioner for being roped in any case is concerned, the said apprehension can only be redressed by filing an appropriate petition for seeking/securing pre-arrest bail by filing petition before the competent Court under Section 438 Cr. P.C. The present writ petition as a bypass to the remedy available in law would be impermissible.

The present writ petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 27, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No