



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.27657 of 2025 (O&M)

Date of decision: 20th May, 2025

Devendra Kumar Gupta

... Petitioner

Versus

The Central Bureau of Investigation & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Maini, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has sought quashing of FIR No.RC0052022A0010 dated 03.03.2022 under Sections 7 & 11 of the Prevention of Corruption Act, 1988 (hereinafter referred to as, 'the PC Act') registered at Police Station CBI, ACB, Chandigarh.

2. Learned counsel for the petitioner has primarily contended that the continuation of criminal proceedings against the petitioner amounts to a gross abuse of the process of law. It is urged that the gravamen of the case hinges on allegations of demand and acceptance of illegal gratification by the then Assistant Commandant (Works), SHQ, BSF Abohar – co-accused Umesh Chandra Sharma – who, it is claimed, was exonerated through departmental proceedings.

3. Reliance is placed upon the findings of the Internal Court of Inquiry conducted by the BSF, which vide findings dated 08.02.2019,

purportedly absolved the said officer of all charges. As per the learned counsel, these findings were duly endorsed by higher officers, including the DIG and IG of the BSF. Despite this, it has been urged that the CBI filed a final report dated 31.08.2023, naming the petitioner, inter alia, for offenses under Section 120-B of the IPC and 13(1)(d) of the PC Act (and subsequent offence u/s 7, 11, 12 of the PC Act; u/s 420, 467, 468, 471 IPC and substantive offences thereof). It has been further submitted that the petitioner, a contractor, was awarded routine, low value contracts and there is no allegation, direct or inferential of demand, receipt, or facilitation of illegal gratification by him. His name, it is argued, finds mention merely by virtue of being one among several contractors. Learned counsel has submitted that once the principal Public Servant has been cleared of wrongdoing by his own department, the continuation of criminal proceedings against the petitioner is unwarranted and legally untenable.

4. Furthermore, it has been argued by the learned counsel for the petitioner that the summoning order dated 28.04.2025 was passed mechanically and without consideration of material records, including the communication by the BSF dated 02.01.2023 offering to present departmental findings before the Court. The prosecution, in this view, has proceeded in disregard of well settled principles of fairness and due process.

5. It has been lastly urged that the impugned FIR (Annexure P-2) pertains to events from 2017 to 2018, while it was registered only

in March 2022, and no cogent explanation has been offered for this delay in the registration of the FIR.

6. Notice of Motion.

7. Mr. Akashdeep Singh, Spl. Public Prosecutor for CBI, who is present in Court, accepts notice on behalf of the respondents.

8. Per contra, learned Special Public Prosecutor for the CBI has strongly opposed the prayer and submissions made by the counsel opposite. It has been submitted that the reliance placed by the petitioner on the exoneration of Umesh Chandra Sharma by the department is wholly misplaced and factually incorrect. While drawing the attention of this Court to the findings of the department, annexed as Annexure P-7, it has been submitted that these findings themselves expressly recorded that allegations concerning splitting of tender and suspicious cash deposits were unresolved and were referred to the CBI for further investigation.

9. It has been still further contended by the Special Prosecutor for CBI that the petitioner was not merely a passive participant but an active beneficiary of manipulation in which tenders were intentionally split to evade financial thresholds, enabling unilateral allotment by the principal accused. Specific reference has been made to a contract awarded to M/s Amit Enterprises (Proprietorship of the petitioner) for improvement works at the BSF campus, Fazilka, which is part of a pattern of serialized tenders that were allegedly split in a calculated manner.

10. It has been still further brought to the notice of this Court that the investigation has uncovered 44 suspicious cash deposits totalling ₹ 17.82 lacs into the accounts of Umesh Chandra Sharma and his close relatives, during the same time-frame as these tender allotments. Some deposit slips were prepared by the officer himself or by co-accused contractors. The absence of the handwriting of the petitioner on the deposit slips, as per the learned counsel, is not exculpatory, as criminal conspiracy is not contingent on such narrow indicia.

11. It has still further been submitted by the Spl. Public Prosecutor for the CBI that there is evidence suggestive of collusive bidding, with multiple L-1, L-2 and L-3 bids across contracts bearing handwriting so similar as to indicate coordination rather than competition. As per the Public Prosecutor, the petitioner is alleged to be part of this cartelized system. These matters, according to the CBI, warrant full trial and cannot be adjudicated summarily in a quashing petition.

12. I have heard learned counsel for the parties and perused the relevant material on record.

13. At the outset, it is well settled that departmental proceedings and criminal investigations are distinct in their purpose, scope, and evidentiary standards. The findings of a departmental inquiry – particularly one that itself recommends further investigation – cannot ipso-facto nullify or override the statutory mandate and the autonomy of Investigating Agency of a criminal probe conducted under the Cr.P.C.

14. Furthermore, a perusal of Annexure P-7 reveals that while the departmental inquiry may have exonerated Umesh Chandra Sharma of certain administrative irregularities, it consciously refrained from rendering any conclusion on the more serious allegations of manipulation of tender and co-related financial deposits, instead referring these aspects for investigation by the CBI. Thus, the reliance placed by the petitioner on the departmental findings is misplaced and cannot serve as the basis for quashing.

15. Furthermore, the material collected during investigation, as summarized in the final report dated 31.08.2023 (Annexure P-3), discloses prima-facie evidence of tender manipulation through artificial splitting, allocation of contracts below financial thresholds, collusive bidding patterns, and unexplained cash deposits. The role of the petitioner as the proprietor of M/s Amit Enterprises, which is shown to have received such contracts, places him squarely within the factual matrix of the alleged conspiracy.

16. As far as the delay in the registration of the FIR is concerned, mere delay, absent demonstrable prejudice or illegality, is not by itself sufficient to vitiate proceedings, particularly when the delay is attributable to the time taken for preliminary verifications and referral by the administrative authority to the Investigating Agency.

17. Regarding the summoning order dated 28.04.2025, the same is based on a detailed final report submitted under 173 of Cr.P.C. and reflects due application of mind. This Court finds no procedural

infirmity or irregularity in the cognizance taken by the learned Special Judge, CBI Court.

18. It also needs to be emphasized that at this stage, the Court is not required to undertake a mini trial or assess the probative value of evidence. The limited inquiry under Section 528 BNSS is whether the allegations, taken at face value, disclose the commission of cognizable offences and warrant further adjudication through trial.

19. In view of the foregoing, this Court finds no merit in the instant petition. The allegations made in the charge sheet disclose a prima facie case warranting trial. The contentions of the petitioner pertain largely to matters of defence and factual evaluation, which must be determined in the course of trial and cannot be gone into by this Court in the exercise of its inherent jurisdiction under Section 528 of the BNSS. Accordingly, the petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2025
rps

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