



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

119-2

CRM-M-32793-2022

Date of decision: 22.01.2025

Harjeet Singh Puri

.....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tushar Ranjan Mohanty, Advocate
for the petitioner.

Mr. Akashdeep Singh, Spl. Public Prosecutor, CBI.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking quashing of FIR bearing RC No.217 2022 A0001 dated 31.01.2022 under Sections 120-B of the IPC and Sections 7, 8, 9 and 10 of the Prevention of Corruption Act, 1988 registered at Police Station SPE/CBI/AC-II, New Delhi.

2. Learned counsel for the petitioner has contended that the investigating agency has grossly abused the process of law by registering two FIRs arising out of the same set of allegations. It has been submitted that the first FIR dated 13.07.2021 (Annexure P-1) was registered with allegations that the petitioner had demanded and received illegal gratification for expediting payment/claims of private entities, namely M/s Gammon CMC Joint Venture. The second FIR dated 31.01.2022 (Annexure P-4), which is the subject matter of this petition, also contains allegations of bribery against the petitioner.

Learned counsel has asserted that though the legal entities in the two



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FIRs are different, there business operation overlap significantly. It has been argued that at most, the alleged facts in the second FIR could have been incorporated as part of the investigation or as a supplementary charge sheet under the first FIR, and registering a separate FIR is legally impermissible.

3. On being put to notice, learned standing counsel for CBI has opposed the prayer and submissions made by the counsel opposite by submitting that the two FIRs pertain to entirely different incidents, involving distinct transactions, different legal entities, and separate accused persons. Learned standing counsel has argued that the FIR in question reveals a cognizable offence where the petitioner, in conspiracy with employees of M/s GECPL, allegedly obtained bribes for expediting the disbursement of arbitral awards in favour of GECPL. It has been argued that the mere fact that the petitioner is the common accused in both FIRs does not render them identical.

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

5. The petitioner was serving as the General Manager at NHPC. He has primarily sought quashing of FIR bearing RC No.217 2022 A0001 dated 31.01.2022 registered by the CBI, on the ground that it constitutes a second FIR concerning the same incident, and thus, it is contrary to the settled principles of law. However, the material on record reveals that the first FIR dated 13.07.2021, was registered against the petitioner and others, including one Sunil Mendiratta and M/s Gammon CMC Joint Venture, on the allegations that the petitioner



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had demanded bribes to expedite pending claims of M/s Gammon CMC Joint Venture with NHPC. The present FIR, on the other hand, pertains to separate allegations that the petitioner in collusion with employees of M/s GECPL, received bribes for facilitating the disbursal of arbitral awards to M/s GECPL.

6. A careful examination of both the FIR clearly establishes that they involve distinct transaction, separate legal entities, and different accused, except for the petitioner being common to both. The alleged incidents do not emanate from the same cause of action or transaction, and thus, the present FIR cannot be termed as a second FIR concerning the same incident.

7. It is a well settled principle that the registration of multiple FIRs for the same offence or incident is impermissible, as has been held by Hon'ble the Supreme Court in ***T.T. Antony Vs. State of Kerala : (SC) 2001(3) RCR (Criminal) 436***. However, if distinct and separate offences arise out of different transactions, registration of separate FIRs is legally permissible. A second FIR is only barred when it amounts to a reproduction of same set of facts already covered under an earlier FIR.

8. In the present case, as already noticed earlier, the FIRs relate to distinct allegations involving separate entities and transactions. The second FIR (Annexure P-4) is not a repetition or reproduction of the first FIR (Annexure P-1), but pertains to an independent cognizable offence.

9. Considering the seriousness of the allegations in the second FIR, which involves allegations of bribery and conspiracy in

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disbursal of arbitral awards, and the fact that the two FIRs are based on separate transactions with distinct accused and entities, this Court finds no merit in the contentions made by learned counsel for the petitioner.

10. Accordingly, the petition is hereby dismissed.

11. 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.

22.01.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No