



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103+212

CRM-1072-2025 in/and
CRM-M-53984-2024
Date of decision: January 14th, 2025

Rajinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Behl, Advocate
for the applicant-petitioner.

Mr. H.S. Deol, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

CRM-1072-2025

Prayer in this application is for placing on record
Annexures P-9 to P-15.

Application is allowed subject to just exceptions.

Annexures P-9 to P-15 are taken on record.

CRM-M-53984-2024

Petitioner has approached this Court seeking the concession of anticipatory bail in FIR No.32 dated 14.10.2024 under Sections 13(1)A read with Section 13(2) of The Prevention of Corruption Act, 1988 (hereinafter referred to as 'the PC Act') and Sections 409, 465, 466, 467, 468, 471, 120-B of the IPC registered at Police Station Vigilance Bureau, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner retired from service on 30.09.2022, and at the time of retirement, the petitioner was issued no due certificates (Annexures P-3

and P-4) by the Department of Local Government, under which the petitioner was serving. It is argued that no discrepancy for allegations regarding embezzlement surfaced at the time of the retirement of the petitioner. The petitioner was only implicated later based on a disclosure statement allegedly made by co-accused Ranbir Singh, Executive Engineer.

3. Learned counsel for the petitioner has further contended that the affidavit dated 09.11.2024 filed by way of affidavit of Deputy Superintendent of Police vigilance Bureau, Range-1, Ludhiana, on behalf of the State, does not address Annexures P-3 and P-4, which are vital to the defence of the petitioner. It has also been argued that the petitioner merely forwarded documents without proper verification, while the alleged embezzled amount had already been deposited by co-accused Ranbir Singh.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that the allegations against the petitioner are of a grave nature. The petitioner, in connivance with co-accused Ranbir Singh, allegedly facilitated the fraudulent release of ₹3,16,58,421/- from the Municipal Corporation, Ludhiana, based on forged and fabricated documents purporting to raise a demand in the name of PSPCL, where no such demand existed. It is alleged that the embezzled amount was withdrawn by co-accused Ranbir Singh and subsequently distributed among the accused, with 50% of the amount being allocated to the petitioner.

5. Regarding the no due certificates (Annexures P-3 and P-4), relied upon by the petitioner, it has been contended by the learned State counsel that these were issued based on false affidavits provided by the

petitioner. In these affidavits, as per the learned State counsel, the petitioner misrepresented that no amounts were due from him. The learned State counsel has further highlighted that the petitioner had withdrawn ₹1,37,780/- as a temporary advance during previous postings as Executive Engineer, which remains unadjusted and continues to appear in the records of the Municipal Corporation.

6. The learned State counsel has also submitted that the petitioner, after his retirement, prepared a duplicate register for the financial year 2022-2023 and failed to return the original registers. The duplicate register allegedly omitted critical entries regarding withdrawals made by co-accused Ranbir Singh, which were present in the original register maintained by the complainant, Jaspinder Singh.

7. Learned State counsel has asserted that custodial interrogation of the petitioner is necessary for a comprehensive investigation, particularly in the light of the serious allegations of corruption and forgery against the petitioner.

8. This Court has carefully considered submissions made by both the sides and scrutinized the materials on record.

9. *Prima facie*, the allegations against the petitioner are of a serious and grave nature, involving a large-scale embezzlement of public funds amounting to ₹3,16,58,421/-. Allegedly the petitioner, in conspiracy the co-accused Ranbir Singh, orchestrated the withdrawal of this amount from the Municipal Corporation, Ludhiana, based on fabricated documents. The alleged distribution of the misappropriated amount among the accused further aggravates the seriousness of the offence.

10. The reliance of the learned counsel for the petitioner on no due certificates (Annexure P-3 and P-4) is unconvincing, given the submission made by the learned State counsel that these were obtained through false affidavits containing misleading information. Furthermore, the State has brought on record instances of prior financial discrepancies involving the petitioner including the unadjusted temporary advance of ₹1,37,780/-.

11. In light of these circumstances, this Court concurs with the prayer made by the learned State counsel for dismissal of the instant petition as custodial interrogation of the petitioner would be necessitated to uncover the full scope of the conspiracy and embezzlement.

12. The instant petition accordingly stands dismissed.

13. 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.

January 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes