

**CRM-M-63342 of 2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****240****CRM-M-63342 of 2024****DATE OF DECISION :- 22.05.2025****Lakhwinder Singh Tung****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL****Present:-** Mr. P.S. Ahluwalia, Advocate and  
Ms. Bhavi Kapur, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

**\*\*\*****MANJARI NEHRU KAUL, J. (ORAL)**

Short reply by way of affidavit dated Naranjan Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Range, Jalandhar, on behalf of responden, has been filed in Court today, which is taken on record subject to all just exceptions.

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No.98 dated 01.08.2024 under Sections 409, 420 of the IPC and Section 7 of the Prevention of Corruption Act registered at Police Station Sadar Nawanshahar, District SBS Nagar.

2. Learned counsel for the petitioner submits that the petitioner is not a public servant and rather is a private contractor (Building Contractor). It has been contended that after the petitioner was arrested in the instant case on 10.11.2024, the investigation qua him stands completed and challan has



since been presented. It is also been submitted that as far as all the other co-accused are concerned, who are public servants, either they have been granted the concession of interim bail or it has been ordered that no coercive steps be taken against them. Learned counsel has submitted that the entire dispute emanates from a contract which was given to the petitioner to carry out construction in a judicial complex; there was also an arbitration clause between the parties. It is a matter of record that the petitioner has already invoked the arbitration clause under Section 21 before this Court. Learned counsel has lastly asserted that since the entire case of the prosecution is based on documentary evidence, further incarceration of the petitioner would serve no useful purpose as there can be now no apprehension of the petitioner tampering with evidence which is already part of the challan.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he, on instructions from SI Deepika disputed that after the investigation was completed, the petitioner had been charge sheeted. However, he has submitted that there are serious allegations against the petitioner contained in the FIR which has been annexed as Annexure P-1. On a pointed query, learned State counsel has also not disputed that the entire case of the prosecution against the petitioner hinges on documentary evidence which is already part of the challan.

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

5. The petitioner has been in custody since 10.11.2024 in a case primarily based on documentary evidence. The petitioner has



already invoked Section 21 of the Arbitration Act. All the public servants involved in the present FIR had since been extended the concession of interim bail including one accused who has been extended the said concession by the Hon’ble Apex Court. Since as many as 11 witnesses have been cited by the prosecution, the possibility of the trial concluding in the near future does not arise. Coupled with the fact that there can be no risk for the petitioner tampering with the evidence since it is all part of the challan.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**22.05.2025**  
*P.Singh*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |