

Mandeep Singla Vs. the State of Punjab

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Court : Punjab and Haryana

Decided On : Apr-30-2013

Appellant : Mandeep Singla

Respondent : The State of Punjab

Judgement :

Crl.

Misc.

not M-9848 of 2013 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Crl.

Misc.

not M-9848 of 2013 (O&M) Date of decision:

30. 04.2013 Mandeep SinglaPetitioner Versus The State of Punjab
....Respondent CORAM: HON'BLE Mr.JUSTICE PARAMJEET SINGH Present: -
Mr.D.D.Gupta, Advocate, and Mr.A.P.Kaushal, Advocate, for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

PARAMJEET SINGH, J.

(ORAL) The instant petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.4 dated 21.7.2012 registered under Sections 409/420/467/468/471/120-B IPC read with Sections 13(1)(d)/13(2) of the Prevention of Corruption Act at Police Station Vigilance Bureau, District Bathinda.

Learned counsel for the petitioner contends that firm M/s Raj Kumar Contractor, Tote Wala Bagh, Budhlada, was being run by sole proprietor Raj Kumar son of Hans Raj, who was performing all the acts in person and present petitioner, who happens to be the son of Raj Kumar, was not anywhere associated with the transaction of business of that firm.

Learned counsel for the petitioner further contends that none of the documents regarding the transaction of business of that firm with the concerned department i.e. PWD (B&R) has been signed by the petitioner.

Learned counsel further contends that on the basis of presumption allegations have been levelled against the petitioner in spite of CrI.

Misc.

not M-9848 of 2013 -2- of the fact that there is no role of the petitioner in the transaction of business of the said firm.

Learned State counsel has vehemently opposed the contentions raised by learned counsel for the petitioner and made reference to the affidavit filed by Sh.

Paramjit Singh Virk, PPS, Deputy Superintendent of Police, Vigilance Bureau, Unit Mansa, specifically para Nos.4 and 5, which read as under: - 4.

That thereafter on 16.3.2011 M/s Raj Kumar contractor TOTTE WALA BAGH Budhlada executed General Power of Attorney in favour of their son Mandeep Singh, due to health problem.

5. That after assuming the powers as per above Power of Attorney by Mandeep Kumar, the amount of Rs.4036734.00 vide Voucher No.51, 52, 53, 54 and 55 Dated 31.03.2011, cheque No.959069 and the sum of Rs.5581397-00 vide

voucher No.17, 18, 19, 20, 21 and 22 dated 5.7.2011, Cheque No.9B959078 dated 5.7.2011 were received from Executive Engineer, B&R Mansa and were deposited in account of Raj Kumar Singla A/c No.65050121670.

Learned counsel for the State further contended that general power of attorney dated 16.3.2011 (Annexure P-8) was also executed in the name of the petitioner.

He was doing all the business of the said firm.

Learned State counsel has made reference to Annexure P-8 and stated that as per para 2 thereof petitioner has been authorized to sign and submit all suits of documents including application, letter, affidavit, agreements etc.before any office of the Central and State Government as well as the Government agencies, including PWD (B&R).In addition to it he was also authorized to sign the bills to obtain payment and issue receipts in lieu thereof.

Crl.

Misc.

not M-9848 of 2013 -3- I have considered the rival contentions raised by the learned counsel for the parties.

Admittedly, petitioner has been authorized vide general power of attorney dated 16.3.2011 by said Raj Kumar, who happened to be sole proprietor of the firm.

There are specific allegations in the FIR that the said firm in connivance with the officials has caused loss to the State exchequer to the tune of more than ` 5.00 cores.

Perusal of documents specifically the photocopies of the cheques, which were issued in the name of the said firm, shows that the cheques bear the signatures of the petitioner on the reverse.

Perusal of these documents shows that petitioner was authorized vide Annexure P-8 to do all the business of the firm.

The falsity of documents or the involvement of the petitioner will only be seen at the time of trial but the fact remains that the name of the petitioner figures in the FIR that he in connivance with the Government officials specifically Joginder Singh, Executive Engineer, has caused loss to Government exchequer of more than five crores.

During the course of arguments, learned counsel for the petitioner has shown an application dated 25.12.2012 moved to the Inspector General of Police, Vigilance Bureau, Punjab, wherein the petitioner is alleged to have referred to a scam in PWD (B&R) Mansa office, Mansa, and states that for that reason, petitioner is stated to be involved in the present case and has further contended that in the said application, there is a request to the Inspector General of Police, Vigilance Bureau, Punjab, for making proper and thorough investigation in the case.

This application cannot be taken into consideration for the CrI.

Misc.

not M-9848 of 2013 -4- reason that this has been filed in the month of December, 2012 whereas the FIR in question was registered in the month of July, 2012, therefore, this is an afterthought.

This Court has no doubt that police will carry out fair and impartial investigation.

If at all petitioner is not involved in the case, then no harm will be caused to him.

In view of the above, custodial interrogation of the petitioner is a necessity and no ground for grant of anticipatory bail is made out.

Dismissed.

(Paramjeet Singh) Judge April 30, 2013 R.S.

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