(2019) 08 SHI CK 0005

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 1237 Of 2019

Ranjeet Singh Rana — APPELLANT

Vs

State Of Himachal Pradesh — RESPONDENT

Date of Decision : 02-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 120B, 201, 217, 218, 420, 467, 468, 471
Prevention Of Corruption Act, 1988 — Section 13(1)(d)

Citation : (2019) 08 SHI CK 0005

Hon'ble Judges : Chander Bhusan Barowalia, J

Bench : Single Bench

Advocate : Rajiv Rai, Paresh Sharma, Shiv Pal Manhans, P.K. Bhatti, Raju Ram Rahi

Final Decision : Allowed

Judgement

Chander Bhusan Barowalia, J

1. The present bail application has been moved by the petitioner under Section 438 of the Code of Criminal Procedure for releasing him on bail, in the event of his arrest, in case FIR No. 8 of 2016, dated 03.04.2016, under Sections 420, 467, 468, 471, 201, 217, 218, 120B IPC and Section 13(1)(d) of PC Act, 1988, registered in Police Station State CID, Bharari, Shimla, H.P.

2. As per the averments made in the petition, the petitioner is innocent and has been falsely implicated in the present case. He is resident of Nahan and neither in a position to tamper with the prosecution evidence nor in a position to flee from justice, so he may be released on bail.

3. Police report stands filed. As per the prosecution story, on 03.04.2016 police received a complaint against the employees of electricity department and various allegations have been leveled against Indian Technomac Company. One of the major allegations against the said company was that it did not file tax of rupees

twenty one hundred crore, so the Excise and Taxation Department seized the assets of the company and the department deployed its employees and Home Guards in the premises of the company to keep vigil. The said company used to deposit its electricity bills through RTGS, but after November, 2014, the company submitted fake RTGS bills to the electricity department and the said fake bills caused loss of rupees five crore to the electricity department. It was also complained that the officers and officials of the electricity department were bribed. On the premise of the complaint, so received, police registered and case and investigation ensued. Police procured the records qua transactions through RTGS made to the electricity department, which revealed that the department suffered total loss of Rs.4,49,80,291/-. During the course of investigation, police found the involvement of number of officers and officials of the electricity department. The investigation further revealed that during the period August, 2014 to October, 2014, the petitioner remained posted as SDO HPSEB, Sub division Dhaula Kuan, Tehsil Paonta Sahib, District Sirmour and during this period the management of the said company got illegally renewed the bank guarantee. As per the police, the petitioner was instrumental in getting the bank guarantee renewed. The petitioner despite knowing that the bank guarantee of the said company has expired and the company did not deposit its electricity bills continued the electricity supply, which should have been stopped. If the petitioner would have stopped the electricity supply to the said company, it could not have been resulted in financial loss to the department. The investigation further revealed that the petitioner depicted in the documents that the electricity supply to the said company has been stopped, but in fact it continued. The police arrested many accused persons in the case in hand and investigation in the matter is still going on. Lastly, it is prayed that the bail application of the petitioner be dismissed, as he was involved in a serious offence of cheating and thereby caused huge financial loss to the electricity department and in case he is released on bail, he may tamper with the prosecution evidence and may also flee from justice.

4. I have heard the learned Counsel for the petitioner, learned Additional Advocate General for the State and gone through the record, including the police reports, carefully.

5. The learned Counsel for the petitioner has argued that the petitioner is innocent and he is neither in a position to tamper with the prosecution evidence nor in a position to flee from justice, as he is resident of Nahan. He has further argued that petitioner is joining and co-operating in the investigation, so he may be released on bail.

Conversely, learned Additional Advocate General, has argued that the petitioner was found involved in a serious offence and in case at this stage he is enlarged on bail, he may tamper with the prosecution evidence and may also flee from justice. He has further argued that at this stage the petitioner may not be released on bail and his application be dismissed.

6. At this stage, considering the fact that the petitioner remained posted as SDO HPSEB, Sub Division Dhaula Kaun, Tehsil Paonta Sahib, District Sirmour, from August, 2014 to October, 2014, considering the role of the petitioner in the alleged offence, the fact that the petitioner is permanent resident of Nahan and is neither in a position to tamper with the prosecution evidence nor in a position to flee from justice, the fact that the petitioner is joining and co-operating in the investigation and also considering the overall material, which has come on record, and without discussing the same at this stage, this Court finds that the present is a fit case where the judicial discretion to admit the petitioner on bail, in the event of his arrest, is required to be exercised in his favour. Under these circumstances, it is ordered that the petitioner be released on bail, in the event of his arrest, in case FIR No. 8 of 2016, dated 03.04.2016, under Sections 420, 467, 468, 471, 201, 217, 218, 120B IPC and Section 13(1)(d) of PC Act, 1988, registered in Police Station State CID, Bharari, Shimla, H.P., on their furnishing personal bond to the tune of Rs. 50,000/- (rupees fifty thousand only) with one surety in the like amount to the satisfaction of the Investigating Officer. The bail is granted subject to the following conditions:

(i) That the petitioner will join investigation of the case as and when called for by the Investigating Officer in accordance with law.

(ii) That the petitioner will not leave India without prior permission of the Court.

(iii) That the petitioner will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Investigating Officer or Court.

7. In view of the above, the petition is disposed of. Copy dasti.

