

BHUPINDER SINGH V/S STATE OF PUNJAB

Present: Mr. Randhir Singh Manhas, Advocate
for the applicant- petitioner.

Mr. Deepender Singh, Addl. A.G., Punjab.

On 22.01.2025, this Court had passed the following order:

FIR No.	Dated	Police Station	Sections
16	02.05.2023	Vigilance Bureau, Flying Squad, Phase-1, Mohali, District SAS Nagar (Mohali)	409, 420, 465, 466, 468, 471, 120- B IPC (Section 201 IPC added later on) and Section 13(1) (a) read with 13(2) of Prevention of Corruption Act, 1988

Present application has been filed for allowing the applicant to comply with the directions issued by this Court vide orders dated 20.10.2023 and 15.12.2023 by permitting him to deposit the remaining amount within a stipulated time.

2. Counsel for the applicant submits that he could not comply the orders due to financial crunch on time. Now, the applicant arranged the money and FDRs of Rs. 15,19,20,000/- (Rs. Fifteen Crores Nineteen Lacs & Twenty Thousand only) are ready and he is ready to deposit with the State and prayed for extension of time for that purpose.

3. On the other hand, State counsel submits that due to non-compliance of orders dated 20.10.2023 and 15.12.2023, order stand recalled automatically. Petitioner-applicant delay the deposit deliberately and no extension could be granted and prayed for dismissal of the application.

4. I have heard the counsel for the applicant and State and gone through the record. In the entirety of the facts and circumstances of the case, it would be better to allow the petitioner -applicant to deposit the amount of Rs. 15,19,20,000/- in State head (concerned department) because the amount is huge and its arrangement even takes some time when any individual make arrangement.

5. Let the petitioner-applicant to handover FDR to State counsel today itself in the Court. On the instructions of this Court, FDR handed over to State counsel in Court itself and State counsel is directed to handover the same to the concerned officer/officials.

6. State counsel is requested to depute concerned officer/official to visit the bank for redemption of the same and petitioner-applicant shall also accompany him for redemption and after redemption, he shall make a demand draft in favour of the concerned department as per the instructions of the officer/official of investigating agency and handover the same to the concerned officer/official for depositing the same in the concerned head of department before the next date.

7. Counsel for the applicant further submits that the applicant would visit the bank tomorrow i.e. 23.01.2025 and in case, tomorrow is not possible any other date upto 24.01.2025 i.e. Friday. Petitioner's counsel to communicate with State counsel for scheduled visit to bank.

List on 27.01.2025.

If there is any apprehension of arrest of petitioner, there shall stay on his arrest till the next date of hearing in the above captioned FIR.

Copy of this order be given to State counsel under the signature of Bench Secretary of this Court.

Counsel for the petitioner submits that a fixed deposit be taken otherwise, the petitioner shall be deprived of the interest accrued thereupon.

However, State counsel submits that majority of the accused had deposited the money in the treasury and in case, petitioner/applicant made out by a case in their favour exercising their legal right in accordance with law, certainly they can recover from State with interest. State counsel wants to go through the record and place on record the order, if any passed in which the fixed deposits were accepted and reserving the liberty to pray for a uniformity in all cases if any separate order is passed qua deposit.

List on 13.02.2025.

In the meantime, arrest of the petitioner shall remain stayed till the next date of hearing.

The time granted to the petitioner to deposit funds is extended till further orders. This is for the reason that the petitioner has voluntarily handed over a demand draft of Rs. 50 lakhs in favour of Director, PGI Poor Patient Welfare Fund, Chandigarh for the delay in depositing F.D which would correspond almost to the bank interest. Counsel for the petitioner and State counsel are requested to personally hand over the demand draft to the Director, PGI, Chandigarh during the course of the day.

(ANOOP CHITKARA)
JUDGE

28.01.2025
Jyoti-II