

2025:PHHC:061841



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM M-18625 of 2025
Date of Decision: 05.05.2025**

Vijender Singh ...Petitioner
State of Haryana ... Respondent

Versus

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lalit Pardhan, Advocate, for the petitioner.

Mr. Rajiv Sidhu, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail to him in case FIR No.221 dated 12.08.2020 registered under Sections 167, 201, 409, 420, 467, 468, 471 and 120-B IPC and Sections 7, 8, 13(1)(d) of the Prevention of Corruption Act, 1988, registered at Police Station Sector 40, Gurugram, District Gurugram.

2. The FIR in the present case was registered on the basis of the complaint filed by the Sub-Divisional Officer, Operation Division, Sub-Division South City, Gurugram and the same has been reproduced below:-

“To SHO Sahab, Police Station Sector 40, Gurugram, Number 2172, Dated 12.08.2020, Subject: Regarding financial loss to the Nigam by the employees of Sub Division South City Gurugram of Dakshin Haryana Bijli Vitran Nigam by cheating the consumer and taking bribe. Sir, it is requested that on receiving a complaint from the headquarters of Dakshin Haryana Bijli Vitran Nigam, Hisar, an inquiry committee was constituted regarding the above case. After Enquiry, the inquiry committee sent its report No. CH-SPL-1 dated 14.07.2020 to the headquarters. On enquiry of the said complaint it was found that consumer Vijay Kumar Dahiya, House No. 1318, Sec-31, Gurugram South City Sub Division, whose account number is 6306026221, has given his PG-cum-rest house on rent to Shri Brahma Prakash Yadav. A 19 kilowatt electricity meter was installed at the said place. The employees of the Corporation, in collusion with each other, prepared false documents under a conspiracy with the intention of fraud and dishonesty and transferred the amount in this account through BR-3 (Bill Revision) to Shri Shamin Khan UDC and Jitendra UDC South City have reduced 57000 units by making wrong changes 03 times. Shri Vijendra JE deliberately changed the meter which was working properly of the consumer and in connivance with each other, these employees made false entry of wrong MCO No. 63060262253 in the CA-21 register (meter register) and made the meter disappear (destroyed) and caused a loss of Rs. 367718/- to the Nigam and DD No. 000926 dated 15.06.2018 given by consumer's tenant Brahma Prakash Yadav Rs. 59442/-

was deposited in the account number 3516430000 of consumer Anil Kumar of another sub division IDC sub division under a criminal conspiracy. Shri Pawan Kumar lineman sent his colleague Tasleem to consumer Anil Kumar who is a consumer of IDC sub division to deposit the money because Anil Kumar's bill had not been deposited. On the advice of Tasleem, Anil Kumar deposited Rs. 40000/- in the account of Salim Khan as told by Pawan Kumar lineman and consumer Anil Kumar deposited Rs. 85000/-. Pawan Kumar Lineman had already given the money but Pawan Kumar Lineman did not deposit Rs. 125000/- in the consumer's account i.e. for payment of consumer's outstanding bill and the DD of Rs. 59442/- which Brahm Prakash Yadav, a consumer of South City Sub Division had given in lieu of his bill, that DD was credited by these employees in connivance with each other to the account of consumer Anil Kumar which should have been deposited in the account of Shri Brahm Prakash Yadav. In this way, the employees of the Nigam, in connivance with each other, prepared fake documents and committed breach of trust and by wrongly reducing 57000 units in account no. 6306026221, gave Rs. 125000 to the Nigam. 367718/- has been caused financial loss and the DD of Rs. 59442/- given by consumer Brahm Prakash Yadav was wrongly credited to the account of consumer Anil Kumar of other sub division and consumer Brahm Prakash Yadav gave 03 cheques (Rs. 81694/-, Rs.152674/- and Rs.59442/-) which also were not deposited in the consumer's account. Thus, the consumer Brahm Prakash Yadav received Rs. 332560/ in lieu of

outstanding electricity bill through one DD and three cheques and did not deposit the same in the Nigam office and has committed breach of trust by cheating the consumer. Consumer Anil Kumar gave Rs. 85000/- in cash to lineman Pawan Kumar and got Rs. 40000/- deposited in the account of Tasleem Khan as per his instructions. Thus, the above mentioned Anil Kumar received Rs. 332560/- in lieu of his outstanding electricity bill. 125000/- was taken and this amount was not deposited in the Nigam office. Thus, Mr. Shamim Khan UDC, Shri Jitendra UDC, Shri Pawan Kumar Lineman, Shri Vijender JE and Kumari Kannu LDC South City and Tasleem Khan and Salim Khan private persons were found to be involved in the above corruption in connivance with each other. On the basis of the said enquiry report, as per the orders of the Headquarters, as per letter No. 9470/71 dated 11.08.2020 of the Executive Engineer, Sub Urban Division, Gurugram, orders have been received to register a case against the above employees and other private persons, hence, action should be taken by registering a case against all the above employees and both private persons under sections 167, 201, 409, 420, 467, 468, 471 and 120 B IPC and sections 7,8,13 PC Act. Sub Divisional Officer (OP) Sub Division South City, DHBVN, Gurugram Vikas Yadav son of Shri Bhagirath Singh Yadav Mobile No. 954095490.”

3. Learned counsel for the petitioner contends that the present FIR is an instrument of misuse of process of law. Even, a notice under Section 41-A Cr.P.C. was issued by ACP, Gurugram, on

10.06.2024 and the petitioner was required to join the investigation. The petitioner appeared and submitted his written reply to him. Still, the police illegally wants to arrest the petitioner in the present case. Apart from that, the Electricity Board, i.e., DHBVN, had issued a show cause notice (Annexure P-4) to the petitioner vide office memo No. CH-56/DJ-158 dated 17.02.2022 and the petitioner had submitted his reply (Annexure P-5) to the show cause notice. After considering the reply to the show cause notice, the competent authority had taken a lenient view of the matter and the petitioner only warned to be more careful in future. Learned counsel for the petitioner refers to the letter (Annexure P-6) issued by the Chief Engineer, DHBVN, Delhi in this regard.

4. Learned counsel further submits that after considering the letter (Annexure P-6), the DHBVN, i.e., the Electricity Board had regularized the suspension period of the petitioner and was considered as a duty period. He further contends that it was at the most a case of some negligence on the part of the petitioner and could not be termed as an offence.

5. On the other hand, a detailed reply was filed by way of an affidavit of the Deputy Commissioner of Police, East, Gurugram, on behalf of the respondent-State and the same was taken on record.

6. Learned State counsel vehemently argues that the case was registered on the basis of an inquiry report submitted by the

department and a subsequent complaint dated 12.08.2020, which was submitted by the Sub-Divisional Engineer, DHBVNL. He further contends that during the course of investigation, Pawan Kumar, a co-accused was arrested, who was already in custody in some other case. The statements of Anil Kumar and Brahm Prakash were recorded during the course of investigation, who stated that Brahm Parkash had deposited cheque No. 000239 dated 31.07.2017 for a sum of Rs. 81,694/-, cheque No. 000118 dated 20.03. 2018 for Rs. 1,52,674/- and DD No. 000926 dated 15.06.2018 for a sum of Rs.59,442/- with DHBVN South City I, Gurugram on account of electricity bills but the said bills/DD were not credited in his account. Even, Anil Kumar stated that he again given Rs.85,000/- in cash to Pawan Pradhan for paying electricity bills and deposited Rs.40,000/- into Salim Khan's account. Pawan Lineman, in collusion with other employees, deposited the DD of Rs.59,442/- given by Brahm Prakash into Anil Kumar's account and the bill for account No. 6306026221 was revised three times using IDs of Samim Khan UDC and Jitender UDC, reducing 57,000 units.

7. Learned State counsel further submits that during the course of investigation, the petitioner was directed to join the investigation, however, the petitioner did not appear before the IO in the present case. Even, after collecting sufficient evidence and recording the statements of the witnesses, the IO applied for grant of sanction for prosecution, which was obtained qua the petitioner and

other co-accused in the present case. Learned State counsel has further submitted that the petitioner had played an active role in the present case. He was posted as Junior Engineer (J.E.) in Sub-Division, South City, Gurugram, at the time of commission of the offence. He alongwith other co-accused, in connivance with each other, intentionally removed the meter of consumers, which were functioning properly and did not make an entry in the record of CA-22, forged MCO and caused wrongful losses of lacs of rupees to the department and acquired wrongful accounts. Learned State counsel has further submitted that in fact a 'SIT' headed by the Deputy Commissioner of Police (East), Gurugram, has been constituted, under direct supervision of the Commissioner of Police, Gurugram. He further contends that the custodial interrogation of the petitioner is required to know the exact number of cases, where the similar offences have been committed by the petitioner and his co-accused in the electricity department. Apart from that, his custody is required to know the exact *modus operandi*, to recover the forged documents and to recover the amount, which has been taken from the consumers illegally. Further, the petitioner is not entitled to the concession of anticipatory bail in view of the gravity of the allegations levelled against him.

8. I have heard learned counsel for the parties and perused the record.

9. In fact, in the present case, now the petitioner has been booked by the police for illegally depositing the money in different accounts and to cause a financial loss to the department. Even, the FIR in the present case has been registered after a detailed inquiry and substantive evidence has been found against him, which adequately supported the allegations levelled by the complainant. He alongwith his other co-accused had intentionally removed the meters of the consumers, which were working properly and did not make any entry in the record of CA-22 and forged MCO. Thus, the wrongful loss was caused to the electricity department by the petitioner and his co-accused.

10. Keeping in view the above said discussion, the present petition deserves to be dismissed by this Court.

11. Dismissed.

12. The above observations have been made only for the limited purpose of disposal of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

05.05.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No