

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

**Date of decision: October 04, 2017
CRM-M-45012 of 2016**

Vikash Bishnoi

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-26447 of 2017

Gaurav Relhan

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jainainder Saini, Advocate
for the petitioner (in CRM-M-45012 of 2016).

Mr. Amit Jain, Advocate
for the petitioner (in CRM-M-26447 of 2017).

Mrs. Tanisha Peshawaria, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

By this common order, above said both the petitions would
be disposed of.

Petitioners in both these petitions seek anticipatory bail in
FIR No.353 dated 29.04.2016, under Sections 7/8/9 of Prevention of
Corruption Act, 1988, registered at Police Station Sadar, District
Hisar.

In support of these petitions, learned counsel for the
petitioners in both these cases vehemently argued that the FIR in

question was lodged after a year after the alleged incident and at any rate, the petitioners have joined the investigation and cooperated with the Investigating Officer. There is no need for any custodial interrogation of the petitioners. According to them, there is absolute no evidence about any collection of money by the petitioners for clearing the medical tests of the candidates for appointment in the Army. It is then submitted by the counsel for the petitioners that the prosecution does not have any evidence of any collection of money from the petitioners towards illegal gratification as alleged. In so far as the petitioner-Vikash Bishnoi is concerned, except the charge that he acted as conduit between the candidates and lieutenant colonel Dr. Gaurav Relhan, Eye Specialist, there is no other evidence against him about collection of money or otherwise. Counsel for the petitioners therefore, prayed that they be granted anticipatory bail.

Per contra, learned State counsel has vehemently opposed the petitions for grant of anticipatory bail and submitted reply by way of affidavit of Siddharth Dhanda, HPS, Deputy Superintendent of Police, Hisar in CRM-M-26447 of 2017. She submitted that the investigating officer has recorded statements of some witnesses which are produced as Annexures R-1, R-2 and R-3 and the investigation is still on. It is necessary to have custodial interrogation of the petitioners because without their arrest, it would not be possible to know that from how many people they have taken money for certifying the fitness medically for appointment in the Army. She therefore, prayed

that plea for grant of anticipatory bail deserves to be rejected.

Heard counsel for the rival parties at length. Following are the basic facts in the present case culled out from the reply:-

“2. That brief facts of the instant FIR is that an application moved by Major Kaminder Bir Kaur, Registrar, Military Hospital, Hisar with a request for lodging the FIR was received in the complaint, she disclosed that on the base of the finding of the court of enquiry conducted by Army Authorities, she is making request to lodge the FIR. Army planned a operation with 33 Armed Region Filed Security/Section on 20.03.2015 alongwith three independent witnesses namely Lt. Ankur of 19 Armored Regiment, Nb. Sub. Mj. Akhthar of 70 Armored Regiment and Hav. Rajender of 513 A.D. Missile Regiment to catch Vikas Bishnoi who was allegedly accepting bribe for getting fresh candidates recruited in the Army undergoing review process of medical board at M.H., Hisar. The operation team nabbed Vikas Bishnoi from Jindal Chowk, Hisar accepting bribe of Rs.30,000/- from one of the candidates. From accused Bishnoi they also collected the money from list of prospective candidates with their mobile numbers as well as chest numbers allotted by Army during recruitment process. During questioning by the operation team, accused Vikas disclosed the involvement of Lt. Col. Gaurav Relhan, Eye Specialist, M.H., Hisar and further revealed to have collected Rs.1.7 lakh from six different candidates. He has collected this amount on behalf of Lt. Col. Gaurav Rehlan. Co-accused Vikas Bishnoi was also found in possession of Samsung Grand Quatro-One (Sim No.8950300089 & Samsung B-129 with Sim No.9215100818. On screening

the mobile hand sets, the operation team called three recruitee candidates whose mobile numbers were appearing in handset of co-accused Vikas and their names were as under:-

(i) Gurpreet Singh s/o Atma Ram, r/o Phaggu, Kalawali, District Sirsa, Mobile No.9812461949.

(ii) Sandeep s/o Rajbir, r/o Village Kharak Gagar, District Jind, Mobile No.9541611937.

(iii) Nasiruddin s/o Tara Chand, r/o Village Bhausla, District Jind, Mobile No.9812461949.

On further questioning co-accused Vikas Bishnoi claimed that he has also contacted above named three candidates and collected an amount of Rs.82000/- on 19/20.03.2015. He also revealed that he is school friend of Lt. Col. Gaurav Relhan. He also told that Mobile number and chest number were passed on to him by Lt. Col. Gaurav Relhan from his Mobile No.7206312182 to his mobile number 9215100818. He also disclosed that he is well acquainted and good friend of Lt. Col. Gaurav Relhan and he is collecting money on his behalf and after collecting the same it was to be given to Lt. Col. Gaurav Relhan and his family. During investigation of the operation team continuous concern calls were received at the Mobile No.9215100818 and one such call was depicted as "Gaurav Mummy" i.e. call from Lt. Col. Gaurav's Mummy initially when Lt. Col. Gaurav Relhan was confronted with Mobile number of his mother, then he did not accept the same to be the number of his mother but later on he had to confess the same his access to this Civil No. was proved from call detail of office army Number 6524. On further enquiry three recruited candidates who had undergone review medical test at Eye Department at

M.H., Hisar under Lt. Col. Gaurav Relhan between 19.03.2015 revealed that initially Medical Officer stated doubt on account of certain disabilities in the vision of those candidates but promptly retorted not to worry as he (Lt. Col. Gaurav Relhan) would make them fit in the review Medical Board Test. The specialist Lt. Col. Gaurav asked the mobile number of the candidates and noted them on rough sheet and told them that they would receive call somebody and further told they have been made fit by the Board and in enquiry recruited candidate told that he received a call from Mobile No.9215100818 and the caller asked them to bring amount at different locations at Hisar. The caller also identified himself to be Vikas Bishnoi. Vikas Bishnoi has confirmed that he made the prospective candidates speak with Lt. Col. Gaurav Relhan after the candidates paid their respective amount and he also acknowledged the delivery. All these information about the recruitment was passed on to Vikas by Lt. Col. Gaurav Relhan who was prima facie found involved in court of enquiry.”

I have also seen the statements Annexures R-1, R-2 and R-3 of the witnesses filed with the above reply by way of affidavit. From the perusal of the statements as well as reply, I am satisfied that the lieutenant colonel Dr. Gaurav Relhan has misused his authority as doctor for wrongful gain and therefore, engaged Vikash Bishnoi as his conduit/tout to contact the candidates for collecting money from them and accordingly, used to call the candidates and collect money. The statements clearly show that the petitioner-Vikash Bishnoi used to contact the candidates and thereafter, ask them to pay money through

him or directly to the lieutenant colonel Dr. Gaurav Relhan. Thus, it is clear that there is prima-facie case against both the petitioners in indulging in corruption and cheating the poor unemployed people for their wrongful gain. The plea for anticipatory bail cannot be made available to such persons. In so far as the Departmental inquiry is concerned, the report is received from the concerned military Department that the inquiry is pending against Dr. Gaurav Relhan. The trial Court has given the reasons regarding the alleged delay in Para-7 of the impugned order. I have gone through the said reasons and find that the reasons given by the trial Court in Para-7 are legal correct and proper. There is no reason to have a suspicion merely because FIR was lodged after one year of the incident. In the result, both these petitions are without any merit and will have to be rejected.

Hence, CRM-M-45012 of 2016 and CRM-M-26447 of 2017 stand dismissed. Interim orders are vacated.

(A.B. CHAUDHARI)
JUDGE

October 04, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No