

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21375-2020
Date of Decision: 13.08.2020

Anil Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aman Dhir, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (Oral)

The case is taken up for hearing through Video Conferencing.

The petitioner seeks grant of regular bail in case bearing FIR No. 08 dated 16.06.2020 registered under Sections 420, 465, 467, 468, 471, 120-B IPC and Sections 7 and 13(1)(A) of the Prevention of Corruption Act, 1988, at Police Station, Vigilance Bureau Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the above noted FIR, inasmuch as neither his name finds mention in the FIR nor there is any, prima-facie, evidential justification to show his complicity with the other co-accused. It is further submitted that the petitioner is one of the owners of M/s New Nandi Medicos, Mansa and the name of the aforesaid medical shop surfaced during the investigation as regards purchase of medicines and surgical equipments from it on the basis of certain forged

bills/quotations. It is further submitted that all the quotations and contracts regarding the purchase of the aforesaid items, are subject matter of scrutiny and verification by the concerned department and merely because the said items had been purchased from the shop of the petitioner, is no ground for his indictment.

However, I do not find any merit in the submissions made by the learned counsel for the petitioner.

In the instant case, as per the contents of the FIR, the employees of the Government Hospital Mansa had been preparing bogus disability certificates, false dope test reports and manipulated MLRs and referring the patients to the private hospital(s), after taking illegal gratification. During investigation, Dr. Ashok Kumar, SMO, Civil Hospital, Mansa, was indicted in the present case on the allegations of fraud committed regarding purchase of medicines and surgical equipments under Ayushman Bharat Scheme, by giving the work contract(s) to the medical shop of the petitioner.

The petitioner does not deny the purchase of the aforesaid items from his shop. The only plea raised by the petitioner is that the bills and the quotations issued by his shop, are subject matter of scrutiny and verification and could not be the basis of his indictment as an accused. However, having supplied all the items on the orders placed by the accused/hospital authorities/employees, it does not stand to the common logic that the petitioner had been unaware of the illegal acts committed by the hospital authorities/staff. The allegations against the accused are serious in nature. A common man goes

to the hospital with a blind faith in the health authorities, Doctors and the Hospital Staff. The allegations contained in the FIR, completely shatter such faith. The petitioner cannot be allowed to plead ignorance of the entire occurrence, when under the alleged scheme, he himself is one of the beneficiaries and that during the investigation, the police has found that the medicines had been supplied by his shop on the basis of forged quotations and the documents prepared in violation of the Rules.

Even as per the prosecution agency, the Vigilance Bureau has intercepted the mobile communications of all the accused, which revealed the involvement of the petitioner as well.

In view of the above, I do not find any ground to grant the concession of regular bail to the petitioner.

Hence, the present petition is dismissed.

13.08.2020
ds

(HARNARESH SINGH GILL)
JUDGE

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