

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through Video Conferencing)**

Crl. Misc.M- 42784 of 2020 (O&M)
Date of Decision: 18.12.2020

Ravinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pankaj Jain, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Shekhar Verma, Advocate,
for the complainant.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 15 dated 21.11.2020, under Section 7 of the Prevention of Corruption Act, 2018 registered at Police Station Vigilance Bureau, Jalandhar.

2. Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in this case on the basis of a complaint made by one Ankit Khanna son of Sh. Pran Nath Khanna. In fact, the father of the complainant, namely Pran Nath Khanna and the complainant were working as contractors and they had been granted various

developmental works of Nagar Panchayat, Mahilpur and they were indulging in illegal activities. In fact, they had not executed certain works awarded to them and they still insisted the petitioner herein to pass the bills and release the amount claimed therein. This fact was brought to the notice of the Deputy Commissioner, Hoshiarpur as far back as 4.10.2016. It is submitted that the allegation against the petitioner demanding illegal gratification for releasing the payment is wholly unsubstantiated, while arguing that on a similar set of allegations, it had been alleged in FIR No. 135 dated 31.12.2016 that the father of the complainant had committed suicide, for which he is facing trial. It is argued that the current FIR under Section 7 of the Prevention of Corruption Act, is highly belated as it pertains to the period of 2015.

3. Appearance has been caused on behalf of the respondent—State as well the complainant, who submit that the allegations as set out in the FIR need to be thoroughly investigated and the petitioner herein would not be entitled to grant of anticipatory bail. It is argued that the petitioner was refusing to pass the genuine bills for the work done which ultimately resulted in extreme financial hardship being caused to the father of the complainant. In fact, it was on account of the financial constrained and mental agony caused that the father of the complainant committed suicide. On the basis of the complaint so made, the matter was investigated at several levels and the District Revenue Officer, Hoshiarpur, recommended initiation of appropriate proceedings against the petitioner herein, while giving direction that the Executive Officer, Municipal Council, Mahilpur to

release the payment due to the complainant. Learned counsel for the complainant would also submit that the petitioner herein is taking different stand, at one instance he has stated that amount of ₹40,000/- and ₹20,000/- received on 14.1.2016 and 19.1.2016 respectively in his account were towards friendly loan, whereas in the petition herein, it is stated that the petitioner is a whistle blower. It is also argued that there is no delay in lodging the instant FIR as the complainant had been pursuing his remedy diligently. However, the petitioner being influential person was able to stall the lodging of FIR. It is only when the complainant approached this Court seeking a direction that his complaints be decided, which were pending since 2017, that action was taken therein.

4. I have heard learned counsel for the parties and find that no ground is made out for grant of anticipatory bail to the petitioner, who is allegedly involved in corrupt practices. The argument as raised that the proceedings initiated are belated would not be sustainable, in the light of the fact that the complainant had filed a petition in this Court, being **CWP No. 17519 of 2020 titled Ankit Khanna and another Vs. State of Punjab and others** seeking a direction for his complaint to be decided. There are specific allegations that have been made out in the FIR regarding seeking illegal gratification by the petitioner which would require thorough investigation, specially in view of the fact that there is deposit of payment amounting to ₹60,000/- on two different dates in the account of the petitioner herein, which were allegedly received by the petitioner as illegal gratification for passing the bills submitted by the complainant.

5. Consequently, the petition is dismissed.

18.12.2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No