

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

CRM-M-1791 of 2021

Date of Decision: 08.02.2021

Pawan Kumar and Anr.

.....Petitioners

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Vijay Pal, Advocate for the petitioners.

HARINDER SINGH SIDHU, J

Prayer is for grant of anticipatory bail in case FIR No.RCCHG2017A0023 dated 16.11.2017 under Sections 7,8,10,13 (1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 registered at P.S CBI, ACB, CHG, District Chandigarh.

FIR was registered on the complaint of Sh. K.K. Sharma, IPS, who alleged that Dr. Sudhir Solanki, Senior Medical Officer, BSF obtained illegal gratification from various candidates including the petitioners namely Pawan Kumar and Sanjay Kumar for declaring them medically fit in the review medical board examination conducted by the doctors of Border Security Force, Jalandhar Camp, BSF during 17.04.2017 to 20.04.2017. During investigation, an amount of Rs.13,000/- was recovered from Constable Gajendra Bochlya on 20.04.2017, who confessed that bribe was collected from different candidates including the petitioners and was to be handed over to Dr. Sudhir Solanki. An amount of Rs.1,86,712/- was recovered from Dr. Sudhir Solanki, who confessed that out of this recovered

amount, Rs.1,70,000/- was the bribe collected from the candidates for giving positive report in their review medical board examination.

Learned counsel for the petitioners contends that the petitioners cooperated with the investigating agency. They were never taken into custody during investigation. Now challan has been filed and they have been summoned to appear before the trial Court. Earlier, bailable warrants were issued. The petitioners filed present petition, however, this petition could not be taken up for hearing. In the interregnum, non-bailable warrants have been issued against the petitioners. He undertakes that the petitioner shall appear before the learned trial Court on any date to be fixed by this Court. Learned counsel has also referred to order dated 08.01.2021 passed by this Court in CRM-M-196 of 2021 granting bail to Dr. Sudhir Solanki. In the said order, this Court relied upon a Division Bench of this Court reported as **1984(2) RCR (Criminal) 532 Puran Singh vs. Ajit Sinbgh & Ors** and a Division Bench of Delhi High Court reported as **1997 (1) RCR (Criminal) 287, P.V Narsimha Rao vs. State (CBI)** wherein it has been held that the petition under Section 438(1) Cr.P.C is maintainable even in case, non-bailable warrants have been issued by a Magistrate.

Notice of motion.

Sh. Rajeev Anand, Advocate accepts notice on behalf of the respondent-CBI and submits that the allegations against the petitioners are of serious nature and there is every likelihood of petitioner tampering with the material evidence apart from influencing the witnesses.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioners may appear before the learned trial Court on

or before the date fixed. On their doing so, they shall be enlarged on bail by the trial Court subject to their furnishing bail bonds and surety bonds to its satisfaction. They shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

February 08, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No