

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH  
(Heard through VC)**

(1) CRM-M-5890 of 2021(O&M)  
Date of Decision: 9.3.2021

Abdul Gaffar

...Petitioner

Versus

State of Punjab

...Respondent

(2) CRM-M-6584 of 2021 O&M)

Abdul Gaffar

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. G.S. Kaura, Advocate  
for the petitioner in both the cases.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Mohit Sadana, Advocate,  
for the complainant.

**JAISHREE THAKUR, J.**

By this common order, this Court proposes to dispose of the above mentioned two petitions, as they arise out of somewhat identical facts.

By way of these petitions, the petitioner seeks anticipatory bail in FIR Nos. 9 and 10 both dated 17.1.2021 registered under Section 420 of the Indian Penal Code and Section 7 of the Prevention of Corruption Act, 1988 at Police Station City-II, Malerkotla, District Sangrur.

The facts leading to registration of FIR No. 9 (Criminal Misc.

M 6584 of 2021) are that the the complainant—Mohammad Jahid was contacted by Abdul Gaffar, petitioner herein, who informed him that he could get his brother-in-law released from judicial custody in a case registered under the NDPS Act, for which the total expenditure of ₹15 lakhs would have to be incurred. He claimed to have good relations with OSD to CM Punjab Mr. Sandeep Singh Sunny Brar. The complainant was then taken by the petitioner to meet a person who introduced himself as OSD Sandeep Singh Sunny Brar. An assurance was given that any work could be done through him. On the said assurance an amount of ₹ 9 lakhs was given for the release of the brother-in-law of the complainant from the judicial custody. However, as the work was not done, a request was made for return of ₹ 9 lakhs. Since the money was not returned, the complainant with his relative went to meet OSD Sandeep Singh Sunny Brar, where he met a person who introduced himself as OSD Sandeep Singh Sunny Brar, but he was not the same person as had been introduced by the petitioner. OSD Sandeep Singh Sunny Brar informed the complainant that he does not indulge in any kind of such activities and advised the complainant to file a complaint in this regard.

The facts leading to registration of FIR No. 10 (Crl. Misc. M5890 of 2021) against the petitioner are similar as in FIR No. 9. The only difference being that the complainant in FIR No. 10 is Mohammad Abdul Rashid, and the deal to get struck was for the brother of the complainant released from the judicial custody in a case registered under Section 354-D IPC and POCSO Act. The amount to be paid was struck at ₹10,50,000/-. The officer through whom the work was to be got done was the same i.e.

OSD to C.M., Punjab, namely Sandeep Singh Sunny Brar. Consequent to the filing of the complaints, the aforesaid FIRs have been registered in which the petitioner is seeking bail.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in these cases and at best it can be termed as a civil dispute between the petitioner and the complainants, which dispute has been given the colour of criminal nature. It is also submitted that to give bribe and accept the same are offences, but no action has been taken against the complainants. Therefore, the petitioner is entitled to concession of anticipatory bail.

Per contra, learned counsel appearing on behalf of the respondent—State as well as the the complainants submit that the petitioner herein introduced the complainants to a person who impersonated himself to be an OSD to the Chief Minister, Punjab, namely Sandeep Singh Sunny Brar, with an assurance that their work would be got done through him i.e. to get their close relatives released from the judicial custody, who were involved in various sections of NDPS Act, Indian Penal Code and POCSO Act. In FIR No. 10, the petitioner asked the complainant to pay ₹15 lakhs to get the work done, but deal was struck at ₹10.5 lakhs and payment of ₹1,50,000/- and ₹50,000/- was made on 17.10.2019 and 13.11.2019 respectively in account No. 1855102000001335 of I.D.B.I. Bank, which is in the name of Kotla Health Care Kotla, a firm belonging to the petitioner, and rest of the amount of ₹8.50 lakhs was allegedly given in cash to the petitioner. However, when their work was not got done, the instant FIRs

came to be registered. It is argued that investigation is at the initial stage and the custodial interrogation of the petitioner would be required to unearth the truth behind the entire episode and the modus operandi.

I have heard learned counsel for the parties and have gone through the paper book.

As per reply filed by the respondent—State, statement of the witness as well as complainants have been recorded. So much so even statement of the complainant in FIR No. 10 under Section 164 of the Code of Criminal Procedure was also recorded in which the complainant has fully supported the allegations made in the FIR. It appears that the petitioner is involved in illegal and anti-social activities. This is not a case that a single person has made allegations of cheating against the petitioner, but two different FIRs by two different complainants have been lodged against him. Furthermore, the petitioner has not been able to establish that there was a civil dispute pending between the complainants and the petitioner other than the bald statement made by him. Therefore, in order to unearth the modus operandi adopted by petitioner to cheat the complainant and make them to part with their hard earned money, his custodial interrogation is necessary. Moreover, his custodial interrogation would also be required to have the person impersonated as OSD to the Chief Minister identified.

Consequently, these petitions are dismissed. However, it is made clear that the observations made herein above have been made only for the purpose of disposal of these petitions, which shall have no bearing on the merit of the case.

At this stage, learned counsel for the petitioner also argues that

the complainant themselves are guilty of offering bribe and should be prosecuted. However, this court cannot issue any such direction in a petition seeking anticipatory bail and in case the petitioner has any grievance in this regard, he is always at liberty to resort to the legal remedy available to him in law.

9.3.2021  
*prem*

(JAISHREE THAKUR)  
JUDGE

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