

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

**CRM-M-38011-2020 (O&M)  
Date of decision:27.01.2021**

Dr. Ramesh Kumar Maheshwari

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. A.P.S. Deol, Sr. Advocate with  
Mr. Vishal Lamba, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

**CRM-106-2021**

Application is allowed as prayed for.

Documents Annexures P-9 to P-12 are taken on record.

**CRM-M-38011-2020**

Custody certificate by way of an affidavit dated 26.01.2021 of Deputy Superintendent, Central Jail, Bathinda, filed through email, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.121 dated 15.07.2020 registered under Section 7 of the Prevention of Corruption Act, 1988, at Police Station Kotwali, District Bathinda.

Learned Senior counsel for the petitioner states that the petitioner was a District Health Officer. The present FIR was registered on the basis of an inquiry which was conducted on the directions of Senior

Superintendent of Police, Bathinda, after audio recording between the petitioner and Dr. Satish Garg, retired Senior Medical Officer, Tohana, regarding the working of Health Department, went viral on the social media. It is further stated that during 27 years of service, there is nothing adverse against the petitioner. An enquiry was conducted by Superintendent of Police (Investigation), Bathinda, who had summoned Dr. Satish Garg, retired Senior Medical Officer from Haryana. The learned Senior Counsel has made a specific reference to the following extracts from the statement of Dr. Satish Garg:-

“Q-1 Your conversation was of how many minutes?

Ans. About 10 minutes.

Q-2 Whether the voice in recording is of yours and Dr. Ramesh Maheshwari?

Ans. Yes.

Q-3 Does any tampering appears to your in this recording?

Ans. Yes, some tampering may be possible.

Q-4 What do you want to say regarding talk of giving Rs. 200/- as per system in the recording?

Ans. In this regard, it is not clear whether any demand of Rs. 200/- is made from me or my brother.”

It is further submitted that statement of Vinod Kumar, brother of Dr. Satish Garg, was recorded. In his statement, said Vinod Kumar, stated that there was no talk of giving and taking of Rs.200/- per month in the recording, which he had received from his brother, Dr. Satish Garg, and that it appeared that some one had made it viral on the social media after having tampered it. He also stated that no employee/officer of the Health Department, had ever demanded any money at the time of drawing of samples or later on nor had he given any money to anyone. Statement of the petitioner was recorded on 14.07.2020 whereas the present FIR was registered on 15.07.2020. It is further submitted that the mobile phone, which was the main source of the recording, is stated to have got broken

and had not been produced. The challan has been presented. It is further stated that the petitioner has been in custody since 06.10.2020.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner. He further states that though the challan has already been presented, yet the voice sample of the petitioner is yet to be obtained and thereafter, the supplementary challan will be presented. It is further stated that the investigation is still going on and enlarging the petitioner on bail would seriously hamper the very investigation.

In order to rebut the said submissions, the learned Senior Counsel for the petitioner submits that the petitioner would make himself available as and when called for giving/obtaining the voice sample, but the same cannot be made a ground to deny the concession of bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner is a District Health Officer and he has been in custody since 06.10.2020. Both, Dr. Satish Garg and his brother Vinod Kumar, had stated in their statements during the inquiry proceedings, that there seemed to be a tampering with the viral recording. Still further, the mobile phone, the main source of viral recording, is stated to have got broken and the same was not produced. Though, the learned State counsel states that the entire conversation is recorded in a pendrive and the same will be sent to the Forensic Science Laboratory and the voice sample of the petitioner are required for comparison purpose, yet the fact remains that the petitioner can always make himself available for giving his voice sample.

Trial of the case would take time to conclude. Therefore, no useful purpose

would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**27.01.2021**

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**(HARNARESH SINGH GILL)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |