

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

CRM-M-26642-2022

Date of Decision: July 08, 2022

VIJAY SINGLA

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vinod Ghai, Senior Advocate, assisted by
Ms. Kanika Ahuja, Advocate, Ms. Kirti Ahuja, Advocate,
Mr. Edward Augustine George, Advocate and
Ms. Mahima Dogra, Advocate
for the petitioner.

Dr. Anmol Rattan Singh, Advocate General, Punjab, assisted by
Mr. V.G. Jauhar, Senior DAG, Punjab and
Mr. Pratham Sethi, Advocate.

LISA GILL, J.

Petitioner in this case seeks bail pending trial in FIR No.65,
dated 24.05.2022 registered under Sections 7 and 8 of the Prevention of
Corruption Act, 1988 at Police Station Phase 8, District SAS Nagar
(Mohali).

Learned Senior counsel for the petitioner vehemently argues
that petitioner, though a Dentist by profession, is an elected representative
being Member of the Legislative Assembly in the State of Punjab. He was
serving as a Minister holding the portfolio of Department of Health at the

time of registration of the FIR. Learned counsel submits that petitioner has been falsely implicated in the FIR in question only with a view to tarnish his image and diminish his popularity which apart from being significant in any case was rising day by day.

Above said FIR dated 24.05.2022 has been registered on the statement of Rajinder Singh, a serving Superintendent Engineer of the Punjab Health System Corporation, working on deputation. As per allegations in the FIR, complainant was called at Punjab Bhawan by Pardeep Kumar (co-accused, not a petitioner before this Court), claimed to be the Officer on Special Duty (for short OSD) with the petitioner. Petitioner, who is stated to be sitting in room no.203, allegedly told the complainant in presence of Pardeep Kumar that whatever is told by Pardeep Kumar should be deemed to be so said by the petitioner and as petitioner was in a hurry, he accordingly left. It is further stated that Pardeep Kumar asked the complainant to pay an amount of Rs.1 crore 16 lakhs i.e. 2% of the amount stated to have been paid by the contractors in the month of March. Complainant, it is stated, refused to do so and also retorted by saying that he may be sent back to his parent Department. Pardeep Kumar is alleged to have repeatedly made WhatsApp calls to the complainant from his mobile on various dates as are mentioned in the FIR and demanded bribe from him. Complainant is also stated to have been threatened to the extent that his career would be spoiled in case he refused to pay the amount. It is further stated that complainant requested that as he is to retire on 30.11.2022, his career should not be spoiled and he should be repatriated to his parent Department and such a person be brought on deputation, who would pay

them commission/bribe amount. It is further alleged that the complainant was then asked to pay Rs.10,00,000/- and 1% of the amount as commission for the allotted work or payment made to contractors on 20.05.2022. The complainant replied that he only had Rs.2,50,000/- in his account and a credit limit of Rs.3,00,000/- and he would pay a sum of Rs.5,00,000/- to save himself from harassment. Complainant is alleged to have been called by Pardeep Kumar to the Secretariat on 03.05.2022 telephonically. It is stated in the FIR that complainant then met Pardeep Kumar as well as the petitioner and requested them to relieve him from his tension and inquired as to where the amount of Rs.5,00,000/- should be given as per their earlier orders. Petitioner is stated to have asked the complainant to hand over Rs.5,00,000/- to Pardeep Kumar. With such allegations the complaint was lodged with a request to take action against the petitioner and Pardeep Kumar.

Learned counsel for the petitioner submits that first and foremost allegations in the FIR do not constitute an offence as alleged qua the petitioner. Vague and fanciful allegations are stated to have been made, totally unsubstantiated by any evidence. From a bare reading of the FIR conduct of the complainant himself, it is argued, appears to be suspect and contrived. Learned counsel contends that the prosecution has tried to set up the entire case against petitioner on the basis of phone calls between the petitioner and one Pradeep Kumar, claimed to be an Officer on Special Duty (OSD) with the petitioner, who in fact was never ever attached with the petitioner as is borne out from official records. Petitioner, it is submitted has raised no objection whatsoever for giving his voice sample pursuant to an

application moved in this regard by the prosecution. Furthermore, prosecution it is submitted did not seek sanction under Section 17-A of the Prevention of Corruption Act, 1988, before proceeding against petitioner, who has otherwise extended full cooperation in the matter. Violation of the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar and another (2014) SCC 273***, is also pressed into service by learned counsel for the petitioner. It is contended that no notice under Section 41-A Cr.P.C. was served upon the petitioner before arresting him. Learned counsel further submits that petitioner has been in custody since 24.05.2022. No recovery has been effected and neither is any recovery now sought to be effected from the petitioner. Petitioner undertakes that he shall not directly or indirectly or in any manner try to contact or influence any person acquainted with the facts of the present case. Moreover, petitioner it is submitted is a responsible person having his roots in society, thus there is no question of him not being available for trial. Petitioner, it is stated is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Heard learned counsel for the parties.

Status report by way of affidavit dated 21.06.2022 has been filed wherein allegations in the FIR have been reiterated. It is stated that complainant presented two mobile phones regarding conversation/s held with Pardeep Kumar and the petitioner. Mobile phone of the petitioner as well as co-accused is stated to have been taken in possession. No other recovery is stated to have been effected from the petitioner and no other recovery is claimed from the petitioner. There is indeed no reference to any

other evidence on record except the said conversation/s in support of the allegations against the petitioner.

Learned Advocate General, Punjab, informs that investigation in this matter is complete, subject to approval of the District Attorney. It is verified that petitioner is not involved in any other criminal case. It is further verified that petitioner has raised no protest or objection to give his voice samples as was asked for by the prosecution.

There is no allegation that petitioner is likely to abscond or influence witnesses. Trial is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

Petitioner shall not directly or indirectly try to contact or influence the complainant/witnesses in any manner. Any such infraction may lead to cancellation of this concession.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

08.07.2022

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No