

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-26506 of 2022 in/and
CRM-M-30761 of 2022 (O&M)
Date of Decision:28.07.2022

Pradeep Kumar Bansal

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. P.S.Ahluwalia, Advocate
with Mr. Aman Mittal, Advocate
for the applicant-petitioner.

Mr. V.G.Jauhar, Sr. DAG., Punjab.

LISA GILL, J(Oral).

CRM-26506 of 2022.

For the reasons mentioned in the application as well as arguments addressed, prayer for amendment in the head note is allowed. Registry to carry out the necessary addition in the head note and prayer clause.

Application is accordingly disposed of.

CRM-M-30761 of 2022.

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

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 (petitioner), claimed to be the Officer on Special Duty (for short OSD) with the Minister of Health Punjab, namely Vijay Singla (co-accused). The Minister, who was stated to be sitting in room no.203 at Punjab Bhawan, allegedly told the complainant in the presence of the petitioner that whatever is told by the petitioner should be deemed to be so said by the Minister and as the Minister was in a hurry, he accordingly left. It is further stated that petitioner 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. Petitioner 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 by the petitioner 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 the petitioner to the Secretariat on 03.05.2022 telephonically. It is stated in the FIR that

complainant then met the petitioner as well as the co-accused-Minister 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. Co-accused-Minister is stated to have asked the complainant to hand over Rs.5,00,000/- to the petitioner. With such allegations the complaint was lodged with a request to take action against the petitioner and co-accused.

Learned counsel for the petitioner argues that vague and fanciful allegations totally unsubstantiated by anything on record, have been raised against the petitioner, who is stated to be OSD to the Health Minister. It is submitted that it is borne out from the official record that the petitioner is not OSD to the Health Minister and is not attached to the said co-accused as has been alleged. Petitioner, it is stated, is a businessman, a private person engaged in the business of supply of plywood and ancillary items at Bathinda and petitioner would occasionally visit Chandigarh only to meet his uncle and has no role in the functioning of the office of the Minister or Health Department. It is argued that no offence as alleged in the FIR, is made out against the petitioner and entire case against the petitioner has been set up on the basis of unverified conversations/phone calls, which are stated to have been recorded. In this respect, the petitioner is stated to have been fully cooperated with the Investigating Agency and on application moved by the Investigating Agency on 27.05.2022 for obtaining voice sample of the petitioner, consent was immediately given, which reflects bona fides of the petitioner. It is further submitted that nothing incriminating has been recovered from the petitioner.

Petitioner, it is stated is not involved in any other criminal case and he has been in custody since 27.05.2022 with no recovery sought to be effected from him. Moreover, final report/challan under Section 173 Cr.P.C.,

in this case has already been presented after completion of investigation. Learned counsel submits that 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. Furthermore, co-accused namely Vijay Singla has been granted the concession of bail pending trial by this High Court on 08.07.2022 in CRM-M-26642 of 2022. It is, thus, prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the respondent-State, on instructions from ASI Ajaib Singh, verifies that final report/challan under Section 173 Cr.P.C., in this case stands presented after completion of investigation and that petitioner is not involved in any other criminal case. It is further not in dispute that petitioner has given his consent for the voice samples, though report in regard to the same is not on record yet. Learned counsel for the State is unable to point out any other recovery etc., which may have been effected from the petitioner during investigation or any other evidence except the call detail records and the recorded conversations as mentioned in the FIR against the petitioner.

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.

28.07.2022

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

[LISA GILL]

Judge