

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

Reserved on: 14.10.2022

Date of Decision: 21.10.2022

CRM-M No.46314 of 2022 (O&M)

Binder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.7 dated 06.06.2022 registered under Sections 7, 7-A, 13(1)(a), 13(2) of the Prevention of Corruption Act, 1988 and Section 120-B, IPC (Sections 467, 420, 409, 465, 468, 471 IPC added later on) at P.S. Vigilance Bureau, Flying Squad-1, District SAS Nagar (Mohali).

[2]. The FIR in question has been registered at the instance of Harvinder Pal Singh, Deputy Superintendent of Police, Vigilance, Bureau, Unit SAS Nagar. It has been alleged that

during investigation of FIR No.6 dated 02.06.2022 under Sections 7, 7-A of the Prevention of Corruption Act (as amended by Amendment Act, 2018) under Section 120-B IPC, Police Station Vigilance Bureau, Phase-1, Punjab at Mohali, the accused Harmohinder Singh, Contractor, Forest Department made a statement under Section 27 of the Evidence Act that since 2017 till date, he had maintained a diary in respect of bribe which was being given by him from time to time to the senior officers of Forest Department and political persons and their aides. The diary was concealed by him in the basement of his residential house and he could get the same recovered by demarcating and identifying the place. On the basis of aforesaid statement of Harmohinder Singh, diary was recovered and the contents mentioned therein came to be known in respect of bribery given to the officers of Forest Department, political persons and their aides. The diary allegedly contained the details of felling of *Khair* trees, transfer of officers, amount of bribe allegedly paid to the former Forest Minister, reference made to officers of the Department with reference to issuance of NOC, reference of purchase of tree guards, embezzlement in plantation drive, forgery in fake expenses of fencing, leveling of hill areas in Mohali District and regarding mining.

[3]. During investigation, Harmohinder Singh has allegedly

disclosed that since about 10 years, he was involved in contractorship for felling of *Khair* trees. Earlier he had worked with different contractors on commission basis. For the last about 5 years, he was working as contractor through his firm namely M/s Gurhar Associates. They carried out the work of *Khair* trees from the month of October to March for which they had to take permit from the Forest Department. In lieu of this work, bribe was received by the officers of Forest Department. For one season, he used to get permit for felling of specified number of trees @ Rs.500/- per tree. The amount was paid to concerned Minister. An amount of Rs.200/- was being paid to the Divisional Forest Officer, an amount of Rs.100/- was being paid to the Range Officer, an amount of Rs.100/- was being paid to the Block Officer and an amount of Rs.100/- was being paid to the Forest Guard. In this way, total amount of Rs.1000/- was being paid for one tree and for 7000 trees, the amount came out to be Rs.70 lakhs, which was being paid per season over the year. About 15 contractors were involved in this business and they also had to pay in the similar amounts to the aforesaid persons. Non-payment of the aforesaid amount would have resulted in non-issuance of permit by the Forest Department and in this way, the contractors were scared of imposition of heavy amount of penalty as well.

[4]. Learned Senior counsel for the petitioner submitted that the petitioner is neither an employee of the Forest Department nor has any concern with the Forest Department. Petitioner is a private individual, therefore, offences under Sections 7 and 13 of the Prevention of Corruption Act have no applicability. The alleged role of the petitioner is in respect of demand and receiving of money.

[5]. Learned Senior counsel further submitted that as per allegations the petitioner met his co-accused Sachin Mehta, who told the petitioner that he had a very big order for supply of cement tree guards. He was in search of big manufacturer. Co-accused Sachin Mehta further told the petitioner that the responsibility for completion of the entire work from the Forest Department Officers/Officials was of another co-accused namely Vipul Sehgal and Daljit Singh (son of Ex. Forest Minister). Petitioner has allegedly hatched a conspiracy with co-accused Nitin Bansal in respect of tree guards.

[6]. Learned Senior counsel further submitted that petitioner is in custody since 17.07.2022. Challan has been submitted. Co-accused have already been granted regular bail by this Court in vide common order dated 05.09.2022 passed in CRM-M No.34718 of 2022 and CRM-M No.34487 of 2022. Sangat Singh Gilzian is on interim bail granted by the High Court in CRM-M

No.30346 of 2022. Petitioner seeks parity in terms of allegations of connivance raised against Daljit Singh, who has also been granted regular bail by this Court vide order dated 05.09.2022 passed in CRM-M No.34487 of 2022.

[7]. Learned State counsel however opposed the prayer for grant of regular bail on the ground of gravity of offence. The information submitted by the learned State counsel was in sealed cover was opened and perused. Since the information contained in the sealed cover, is the elaboration of stand taken in the challan, therefore, the same is made part of the challan.

[8]. Admittedly, the petitioner is in custody since 17.07.2022. The complicity of the petitioner would remain debatable on the basis of material collected by the Police.

[9]. At this stage, without forming any opinion on the merits of the case and for the detailed reasons recorded vide order common dated 05.09.2022 passed in CRM-M No.34718 of 2022 and CRM-M No.34487 of 2022, I deem it appropriate to enlarge the petitioner on regular bail.

[10]. In view of above, the petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

[11]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case(s).

October 21, 2022

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No