

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2932-2023 (O&M)

Date of Decision:-9.2.2023

Bhinder Singh @ Raj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.08, dated 21.8.2020 at Police Station Vigilance Bureau, Phase-I, Punjab at Mohali, under Sections 7, 7-A, 8 of Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act 2018 and Sections 420, 465, 467, 468, 471, 120-B of Indian Penal Code.
2. The allegations, in nutshell, as levelled in the FIR are to the effect that a secret information was received by Vigilance Bureau to the effect that one person by the name Vijay Kumar, who is dealing in the business of transport in Khanna and Ludhiana in connivance with the officials of Excise & Taxation Department, Punjab including Piyara Singh, ETO, Moga; Ravi Nandan, ETO, Fazilka; Varun Nagpal, ETO, Muktsar; Kalicharan, ETO (STO), Mobile Wing, Chandigarh-1 at Shambhu; Satpal Multani, ETO,

Faridkot; Ved Parkash Jakhar, ETO, Fazilka; Simran Brar, DTC etc. as well as with some other transporters to bring articles from other States into the State of Punjab by way of illegal means and by evading payment of tax and other levies and also by way of fake bills and, as such, caused huge loss to the government. It is alleged therein that huge bribe is passed on by Vijay Kumar to the officials of the government.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of disclosure statement made by co-accused Rajinder Singh and that the same would not carry any evidentiary value particularly when there is no other clinching evidence to establish that the petitioner had passed on any amount to the officials of the government i.e. Excise officials etc. or had evaded any tax. Learned counsel for the petitioner submits that Gurmeet Suohann, Mangal Sain Goyal, Akash Batta, Rajiv Dutta, Kunal Verma, Charanjeet Singh Ghataute including the main accused Vijay Kumar Ghai have already been granted anticipatory bail by this Court vide orders dated 8.9.2021 passed in CRM-M-22793-2021; dated 8.9.2021 passed in CRM-M-25903-2021; dated 16.12.2021 passed in CRM-M-19595-2021; dated 15.12.2022 passed in CRM-M-43223-2022 and dated 16.12.2021 passed in CRM-M-19015-2021.
4. Opposing the petition, learned State counsel has submitted that it is a case where pursuant to receipt of information against Vijay Kumar, who had been acting as a conduit between the transporters and the officials of Excise & Taxation Department, his mobile phone was tapped and conversation was recorded from where details of the co-accused came to be known. Learned State counsel has further submitted that there is sufficient evidence including

evidence in the shape of disclosure statement of co-accused to nail the guilt of petitioner and, as such, he does not deserve the concession of anticipatory bail. It has, however, been informed that the petitioner otherwise is not involved in any other case.

5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated subsequently on the basis of a disclosure statement made by co-accused. Several other co-accused including the main accused Vijay Kumar Ghai have already been granted anticipatory bail. The petitioner otherwise is stated to be having a clean record. In these circumstances, the petitioner also deserves the similar relief on grounds of parity. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. The aforesaid directions shall, however, be subject to the condition that in case the petitioner has been issued any passport, the same shall be submitted in Court at the time of furnishing personal bonds. In case, no passport has been issued to the petitioner, the petitioner shall furnish an affidavit to this effect at the time of furnishing personal bonds.

9.2.2023

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No