

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-16005-2023 (O&M)

Date of Decision: 17.04.2023

Vaneet Kaushal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Raghav Gulati, Mr. Varun Sharma, Mr. Vinod and
Ms. Sandhya Gaur, Advocates, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted Inspector Yogesh.

FIR No.	Dated	Police Station	Section/s
04	28.02.2023	Economic Offences Wing, Punjab, Vigilance Bureau, Ludhiana, District Ludhiana	Section 7-A of the Prevention of Corruption Act (Sections 420/465/467/468/471/120-B IPC added later on).

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Bhupesh Joshi, wherein it is alleged that he is into property dealing and had entered into a deal with one Manjit Singh for sale of his house measuring 50 sq. yds.

However, the complainant was not having ‘NOC’ in respect of the said

house and consequently he met Nitin Dutt, Deed Writer, who sits outside the Tehsil Office, Central Ludhiana. Said Nitin Dutt represented to the complainant that he has links with Malook Singh, Tehsildar Central as well as his Reader Vaneet (petitioner) and that the complainant will have to pay an amount of Rs.70,000/- as bribe in order to get the work done and out of which the complainant would be required to pay an amount of Rs.20,000/- in advance. The amount was negotiated and settled at Rs.38,000/-. Since the complainant did not wish to pay bribe, he reported the matter to the Vigilance Bureau. A trap was laid and accordingly said Nitin Dutt was caught by the police red-handed while accepting bribe of Rs.20,000/-.

3. Learned senior counsel appearing on behalf of the petitioner has submitted that although he is named in the FIR inasmuch as Nitin Dutt claims to be knowing the Tehsildar as well his Reader i.e. the petitioner, but apart from the said bald allegation, there is no overt act, which can be attributed to the petitioner in respect of the alleged demand or acceptance of bribe. Learned senior counsel has further submitted that the petitioner had neither raised any demand of any bribe nor accepted any amount as bribe. It has further been submitted that although the prosecution also relies upon some telephonic conversation, but the said conversation is between the complainant and Nitin Dutt. It has further been submitted that during the course of investigation, call details record has already been collected by the investigating agency, which does show that 3 calls have been exchanged between the petitioner and co-accused Nitin Dutt,

but the said call details record *ipso facto* is not sufficient to establish the guilt of the petitioner in the absence of any other connecting evidence.

4. Opposing the petition, learned State counsel while drawing the attention of this Court to the call details record (Annexure R-2) has submitted that there is proximity of time as regards calls made by co-accused Nitin Dutt to the petitioner and the calls made by Nitin Dutt to the complainant, which is indicative of the fact that some conversation in respect of the alleged demand had been taken between them. Learned State counsel has also submitted that since all the documents i.e. draft of NOC etc. are initially prepared by the Reader before the same are put up before the Tehsildar, the complicity of the petitioner is clearly evident.
5. This Court has considered rival submissions.
6. This Court finds that although the name of the petitioner does figure in the FIR, but there is no evidence worth credence at this stage to show that the petitioner either had demanded bribe or accepted any amount or had played a role or acted as a conduit for the purpose of facilitating the payment of bribe. The mere fact that few calls had been exchanged between the petitioner and the co-accused as well as between the complainant and the co-accused is *ipso facto* not sufficient to establish his complicity. It is co-accused Nitin Dutt, who had been caught red-handed and it is the co-accused Tehsildar, who had to issue the NOC. Even the recorded telephonic conversation is between the complainant and co-accused Nitin Dutt and not with the petitioner. In these

circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and the petitioner, in the event of his arrest, is ordered to 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.

17.04.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**