

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-17514-2023
Date of Decision: 20.04.2023

Naveen Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sant Pal Singh Sidhu, Mr. Sarbuland Mann and
Mr. Rajat Dogra, Advocates, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
7	02.03.2023	Vigilance Bureau Range, Ferozepur	7 of the Prevention of Corruption Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Lalit Passi, wherein it is alleged that the petitioner had demanded illegal gratification of Rs.20,000/- for the purpose of enhancing an offence in respect of one FIR lodged at the instance of the complainant party. It is further the case of the prosecution that a trap was laid and the Personal Security Officer (PSO) of the petitioner was handed over the tainted currency notes by the complainant, which were supposed to be passed on to the petitioner.

However, it transpires that when the raiding party went to apprehend the

- petitioner, the said money had not been passed on to him by that time and even the PSO was not present there and the tainted currency notes were never recovered. The prosecution also claims that there is some audio recording between the complainant and the petitioner indicating his complicity.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no substantial evidence either to substantiate the element of demand or acceptance of any amount by the petitioner and as such, he deserves the concession of bail. It has further been submitted that the petitioner is having a serious heart ailment and had initially been examined at Guru Gobind Singh Medical College and Hospital, Faridkot from where he was referred to PGI, Chandigarh and the doctors at PGI after examining the petitioner, have advised him to undergo CABG (Coronary Artery Bypass Graft) surgery.
 5. Opposing the petition, learned State counsel has submitted that since there is sufficient evidence to connect the petitioner with the demand and acceptance of the illegal gratification including the audio recording, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 month and 17 days and that challan is likely to be presented shortly. Learned State counsel has, however, not disputed the medical condition in view of the medical certificate issued by the PGI. It has also been submitted that the petitioner otherwise is not involved in any other case.

6. This Court has considered rival submissions addressed before this Court.
7. At this stage, this Court would not prefer to make any comment in detail on the merits of the case, as even the challan has not been presented so far. However, this Court cannot overlook the fact that the petitioner is suffering from some heart ailments. The medical certificate dated 08.04.2023 issued by the PGI, which is on the file and is stated to have been annexed at the time of filing of the petition, reads as follows:

“This is to certify that patient Naveen Kumar, 56 years old male vide CR No. 202302181229 is admitted in Advanced Cardiac Centre, PGIMER, Chandigarh from 3rd April, 2023 under Dr. Yash Paul Sharma. He is diagnosed with CAD – NSETMI. His coronary angiography was done in Guru Gobind Singh Medical College, Faridkot on 10th March, 2023 which is suggestive of triple vessel disease. He is planned for revascularization – CABG.”

8. Having regard to the aforestated medical condition of the petitioner and the fact that no recovery whatsoever was ever affected from the petitioner despite a trap having been laid and as a matter of fact, no recovery has even been affected from the PSO (Gunman) of the petitioner to whom the amount was allegedly paid, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is however directed that the petitioner would be obliged to furnish his voice sample as and when directed and shall not influence the witnesses.

In case, the petitioner does not cooperate for the same, it shall be open for the prosecution to move for cancellation of bail.

20.04.2023
Lavisha

(GURVINDER SINGH GILL)
JUDGE

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