

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17889-2023 (O&M)
Date of Decision:- 4.5.2023

Ashish Arora ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bali, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Inspector Harish Kumar.

FIR NO.	DATE	POLICE STATION	OFFENCES
12	21.3.2023	State Vigilance Bureau, Phase-I, District SAS Nagar, Mohali	7 of the Prevention of Corruption Act, 1988 and 120-B IPC

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Narinder Singh wherein he alleged that he had received a letter dated 21.1.2023 from Assistant Town Planner, Municipal Corporation, Jalandhar intimating him that a complaint had been received against the complainant to the effect that he had raised unauthorized construction at ‘Bath Castle’. The complainant stated therein that pursuant to receipt of said letter, he contacted Ravi Pankaj Sharma, Assistant Town Planner, Jalandhar who informed him that a complaint had been filed against complainant Narinder Singh by Kunal Kohli, Ashish

Arora and Arvind Sharma. Ravi Pankaj Sharma further told the complainant Narinder Singh that the aforesaid three persons had offered to settle the matter for an amount of Rs. 15 lacs. A meeting was arranged between the complainant and Kunal Kohli who demanded an amount of Rs. 20 lacs for withdrawal of complaint, which was settled at Rs. 10 lacs with the intervention of Assistant Town Planner. Although, the complainant had made a payment of Rs. 2 lacs to Assistant Town Planner, but he did not wish to pay the remaining amount and reported the matter to the Vigilance Bureau. A trap was accordingly laid and Ravi Pankaj Sharma, Assistant Town Planner alongwith Kunal Kohli and Arvind Sharma were arrested.

3. It is further the case of prosecution that several complaints filed by Kunal Kohli, Ashish Arora and Arvind Sharma were recovered from the vehicles belonging to Ravi Pankaj Sharma and Kunal Kohli. It also surfaced that the petitioner Ashish Arora had also taken money from several persons.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the allegations in question. It has further been submitted that it is the co-accused who were caught red handed while accepting money and that the petitioner was no where near at that time and is being falsely implicated.
5. Opposing the petition, the learned State counsel has submitted that the petitioner alongwith Kunal Kohli and Arvind Sharma had formed a gang and they in connivance with Ravi Pankaj Sharma, Assistant Town Planner had been blackmailing several property owners of the area by holding out threats of action against them for building violations.

6. This Court has considered rival submissions addressed before this Court.
7. The petitioner is specifically named in the FIR. The *modus operandi* alleged is that the petitioner alongwith Kunal Kohli and Arvind Sharma in connivance with officials of Town Planner used to get notices issued to the owner of the buildings from the Town and Country Planning Department and later on used to take huge amount from them for the purpose of dropping those proceedings. While it is correct that the petitioner was not caught red handed while accepting bribe, but the complaints made against owners of buildings which were recovered from the car of Ravi Pankaj Sharma shows that the petitioner was also party to several complaints. The details of the 10 complaints recovered from the car of Ravi Pankaj Sharma are mentioned in the list annexed as Annexure R-1/T wherein the petitioner is the complainant in four of such complaints. Another list in respect of 9 complaints recovered from the car of Kunal Kohli is annexed as Annexure R-2/T wherein Ashish Arora is amongst the complainants in 8 of such complaints. Yet another list of 54 complaints lodged in the office of Municipal Town Planner, Municipal Corporation, Jalandhar (Annexure R-3/T) shows that the petitioner is complainant in 24 of such complaints. The above mentioned nexus between the officials of Municipal Corporation and private persons is clearly borne out from the large number of complaints. The petitioner having filed a substantial number of complaints, his complicity is clearly evident and it is quite evident that the petitioner alongwith co-accused had been blackmailing building owners. The allegations levelled in the FIR are clearly substantiated from the investigation conducted by the police till date. The custodial interrogation of the petitioner would be required to unearth the finer details of the scam.

8. No special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

4.5.2023

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No