

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28063-2023 (O&M)
Date of Decision:- 19.7.2023

Sanjay Popli ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikram Chaudhari, Senior Advocate with
Mr. Keshavam Chaudhri, Mr. Parvez Chaudhary and
Ms. Hargun Sandhu, Advocates for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
9	20.6.2022	Vigilance Bureau, Flying Squad-1, Punjab at Mohali	Sections 7, 7-A of the Prevention of Corruption Act, 1988 and Section 120-B of IPC

GURVINDER SINGH GILL, J.

1. This is the second attempt on part of the petitioner so as to seek grant of regular bail in terms of Section 439 Cr.P.C. in the above mentioned FIR.
2. The FIR was lodged pursuant to a complaint made by Sanjay Kumar to the Vigilance Bureau, Punjab on 4.6.2022 wherein he stated that he is a Contractor by profession and undertakes contracts for executing Government constructions and runs the firm under the name and style of ‘M/s Dikadla Cooperative Society Limited’. He had been allotted work by Water Supply and Sewerage Board for laying sewerage at District Shaheed Bhagat Singh Nagar, Punjab, which was for an amount of Rs. 7.30 crores.

The complainant alleged that Sandeep Watts, Assistant Secretary, Punjab Water Supply and Sewerage Board and Sanjay Popli, IAS, Chief Executive Officer, Punjab Water Supply and Sewerage Board demanded 1% of Rs.7.30 crores i.e. an amount of Rs. 7 lacs. The complainant alleged that he gave an amount of Rs.3.50 lacs to Sanjay Popli through Sandeep Watts. However, Sandeep Watts had demanded another amount of Rs. 5,000/- separately as illegal gratification, which was also given to Sandeep Watts by the complainant. The complainant also prepared a video in this regard and furnished the same to the Vigilance Bureau.

3. It is contended on behalf of the petitioner that neither any trap was laid nor any amount was recovered from him and that he has falsely been involved in the present case whereas it is co-accused Sandeep Watts to whom the complainant had allegedly paid an amount of Rs. 3.5 lacs. It has further been submitted that since investigation already stands concluded and the petitioner has been behind bars for more than one year, he deserves the concession of regular bail.
4. Opposing the petition, the learned State counsel has submitted that pursuant to lodging of the present FIR, the police was able to lay its hands on huge quantity of ill-gotten wealth in the shape of gold and silver bricks which not only shows the complicity of the petitioner in the present case but indicates that he had been indulging into corruption since long time during his career, as a public servant. The learned State counsel has pointed out that the following valuables were recovered from the house of the petitioner :-
 1. 9 Bricks of Gold (1 kg. Each) – 9 kg gold
 2. 49 gold biscuits of different weights – 3160 gms
 3. 12 gold coins of gold different weights – 356 gms

4. 3 bricks of silver (1 kg each) – 3 kg silver
 5. 18 silver coins (18 gms each) - 180 gms
 6. Apple I-Phone – 04
 7. Samsung Folder Phone – 01
 8. Samsung Smart Watches – 2
 9. 700 Indian currency notes of 500/500 = 3,50,000/-
5. This Court has considered rival submissions addressed before this Court.
6. While it is correct that it is the co-accused to whom the complainant is alleged to have made the payment of bribe amount of Rs. 3.5 lacs but from the evidence collected during investigation, the complicity of the petitioner is *prima facie* evident. Although, huge amount of gold and silver bricks recovered from the house of the petitioner is also a writing on the wall as regards his conduct and in the absence of any other fact to justify the source of such huge wealth. the same could qualify to be termed as ill-gotten wealth. However, it is not in dispute that a separate FIR has already been lodged against the petitioner pertaining to allegations of amassing wealth disproportionate to his known sources of income i.e. FIR No. 11 dated 6.8.2022, Police Station Vigilance Bureau G.S.-1, Punjab at Mohali. It has been informed that the petitioner has been recently arrested and investigation is underway in the said case. However, in the present case, investigation already stands concluded and challan has been presented. The petitioner otherwise has been behind bars for a substantial period of more than 1 year. The trial has not even commenced till date and as many as 54 prosecution witnesses have been cited, as would be evident from perusal of the list of witnesses annexed with the report under Section 173 Cr.P.C. necessarily indicating that conclusion of trial is likely to consume time. In

these circumstances, further detention of the petitioner will not serve any useful purpose.

7. 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.

19.7.2023

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No