

CRR-1498-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1498-2018
Reserved on: 07.02.2023
Pronounced on: 04.05.2023

Damandeep Singh ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Khehar, Advocate for the petitioner.

Ms. Shubhra Singh, Standing counsel for CBI.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
RCCHF2017 A00011	05.05.2017	CBI, ACB, CHG, Chandigarh	120-B IPC and Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act 1988

1. Aggrieved by the dismissal of the application to become approver, the accused had come up before this Court by filing the criminal revision petition.
2. The petitioner-Damandeep Singh who was allegedly working as a conduit for the other accused Sarwan Kumar Bhatia, was arraigned as accused by the CBI.
3. The allegations were that Sarwan Kumar Bhatia would take money through his middleman who was petitioner and CBI managed prosecution with the allegations as mentioned in their prosecution report. Vide application dated 19.09.2017, the petitioner showed his intention to become an approver in favour of the CBI. In response, CBI also stated that in case, he makes two disclosures they would have no objection to such application. Vide order dated 06.04.2018, the Special Judge, CBI Court, Chandigarh dismissed the said application on the grounds that the role of the petitioner-Damandeep Singh was crucial and in case, he is accepted as an approver then it would lead to only the evidence to approver against the main accused. Sarwan Kumar Bhati who is likely to frustrate the entire prosecution case, the Special Judge gave its reasoning in para 10 of the impugned order.

CRR-1498-2018

4. As per prosecution case, the accused-Sarwan Kumar Bhatia who was Senior accountant in the department of transport would take money through his middleman-petitioner/Damandeep Singh who was working as a daily wager and was attached to Sarwan Kumar Bhatia. The prosecution gathered the conversation of Damandeep Singh and also have scientific evidence in the shape of hand wash connecting Damandeep Singh with the alleged bribe. They also connected the evidence that the bribe amount was received on the instructions of other accused Sarwan Kumar Bhatia. It is not made out that the petitioner was working absolutely as per the total command of Sarwan Kumar Bhatia and had no independent Will to do the illegal acts. In fact the prima facie evidence point out that the petitioner had main role and was also a party to the bribe. It is not a case that where the prosecution has evidence against Sarwan Kumar Bhatia through Damandeep Singh's confession in the shape of his becoming witness.

5. Given above, there is no illegality in the impugned order dated 06.04.2018 passed by the learned Special Judge, CBI Court, Chandigarh, which is well reasoned and the present petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

04.05.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.