

CRM-M-46575-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46575-2023
Reserved on: 10.10.2023
Pronounced on: 20.10.2023

Sanjay Popli ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Mr. Keshavam Chaudhri, Advocate
Mr. Parvez Chaudhri, Advocate and
Ms. Hargun Sandhu, Advocate
for the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	06.08.2022	Vigilance Bureau, Phase-1, Punjab at Mohali	13(1)(b) read with 13(2) of Prevention of Corruption Act

1. The petitioner, who is an IAS Officer, incarcerated for keeping disproportionate assets more than his income, in the FIR captioned above has come up before this Court under Section 439 CrPC seeking bail.

2. The petitioner was initially arrested in a case for illegal gratification in which he was granted bail after undergoing prolonged custody. In between, he was arrested in the present case of disproportionate assets and after two months of custody, this Court vide order dated 18.09.2023, had granted him interim bail, which is continuing till date. While granting interim bail in paragraphs 3 & 4 of the order dated 18.09.2023, this Court had observed as under:-

“3. Petitioner’s wife Ms. Shree Popli is present in the Court and she prays for bail by imposing any stringent conditions, including declaration of assets and is also voluntarily agreeable to the condition that till the conclusion of the trial, the petitioner shall keep only one mobile number, which is mentioned in AADHAR card and within fifteen days of release from prison undertakes to disconnect all other mobile numbers and further submits that her husband will declare all his assets.

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4. *Inspector Harish Kumar is present in the court and he opposes the bail including interim. He further submits that they required of the key of locker of petitioner. At this, wife of the petitioner submits that no key is available with them, however they have no objection if locker is broke open."*

When the matter was taken up on 25.09.2023, it was brought to the Court's notice that the petitioner had voluntarily complied with the previous order and on 10.10.2023, contention was made that the petitioner would not take such declaration as self incrimination.

3. Learned senior counsel for the petitioner submits that in between petitioner's son who was law graduate, committed suicide.

4. State opposes the bail and refers to paras No.2 to 5 of the reply, which reads as under:-

"That the facts of the case are that a Complaint No. 131/2022, Chandigarh and Complaint No. 152121 dated 04.05.2022 registered at Anti-Corruption Action Line was received in this office for verification, the complainant Sanjay Kumar son of Mr. Inder Singh, resident of House No. 229, City, Sector-45 Karnal, Haryana is a Government contractor running a firm in the name and style of Dicadla Cooperative Society Limited. He was allotted the work of putting sewerage at SBS Nagar Punjab for Rs. 7.30 crores by Punjab Water Supply and Sewerage Board on 28.10.2021. Sandeep Wats, Asstt. Secretary Punjab Water Supply and Sewerage Board (Petitioner) demanded illegal gratification in connivance with Mr. Sanjay Popli, IAS, Chief Executive Officer, Punjab Water Supply and Sewerage Board from him. They demanded 1% (approx) of Rs. 7.30 crores i.e Rs. 7 lakh from the complainant and he gave Rs. 3.50 lakh to petitioner Sandeep Wats. Sandeep Wats also took Rs. 5000/- as illegal gratification separately from the complainant. The video in this regard was prepared by the complainant.

3. *That FIR No. 09 dated 20.06.2022 u/s 7, 7-A of PC act 1988 as amended by PC (Amendment) Act 2018 and 120-B, IPC was registered at Police Station Vigilance Bureau, Flying Squad-1. Punjab at Mohali against the petitioner Sanjay Popli, IAS, Chief Executive Officer, Water supply and Sewerage Board and Sandeep Wats, Asstt. Secretary, Water supply and Sewerage Board, Punjab.*

4. *That during investigation, accused/petitioner Sanjay Popli, IAS and Sandeep Wats were arrested on 20.06.2022 in FIR No. 09/2022. During investigation of FIR No. 09/2022, on 25.06.2022 accused/petitioner Sanjay Popli made a disclosure statement u/s 27 Evidence Act. On the basis of his disclosure statement, 9 Bricks of gold weighting 9000*

gms, 49 biscuits of gold weighing 3160 gms, 12 gold coins weighing 356 gms, 3 bricks of silver weighing 3000 gms, 18 silver coins weighing 180 gms, 04 Apple i-Phone, 01 Samsung Folder phone, 02 Samsung Smart Watch along with Rs. 3.50 lakh taken by the accused Sandeep Wats were recovered from the house of Sanjay Popli, IAS. i.e. House no. 520, Sector-11-B Chandigarh.

5. That the present case FIR No. 11 dated 06.08.2022 Police Station Vigilance Bureau, F.S.-1, Punjab at Mohali pertaining to allegations of amassing wealth disproportionate to his source of income was registered against the petitioner. During the investigation the check period was taken w.e.f. 01.06.2006 to 30.06.2022. That during the investigation of the above said case, all income received by the petitioner/accused and his family members from known sources, has been considered and found that the petitioner/accused has total income of Rs. 6,41,59,948.26 during the check period from 01.06.2006 to 30.06.2022, whereas he spent Rs. 14,18,42,104.60/- during this period. Like this, the accused spent Rs. 7,76,82,156.34/- to excess of his income, which is 121% more than of his income received from know sources.”

5. Considering the fact that the petitioner was already in custody in a case under PC Act for illegal gratification and his custody is continuing because of present FIR for having disproportionate assets, which exceeds one year and also the fact that during the period of interim bail he has not violated any condition of the bail order, the petitioner is entitled to bail.

6. Given above, order dated 18.09.2023 is made absolute. Consequently, the petition is allowed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.10.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.