

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248-2 CRM-M-49633-2023
Date of Decision: 22.11.2023

Neeraj Gaur Petitioner
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Rakesh Nehra, Senior Advocate with
Ms. Aastha Sahotra, Advocate and
Ms. Rashi Sherawat, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
20	06.09.2023	Anti Corruption Bureau, Karnal	7, 8, 13 of Prevention of Corruption Act, 1988 and 120-B IPC

1. The petitioner apprehending the arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking bail.
2. Vide order dated 03.10.2023, this Court had granted interim bail to the petitioner which is continuing till date.
3. In compliance of order dated 21.11.2023 passed by this Court, the petitioner is present in the Court.
4. Prosecution’s case is that Neeraj Gaur (present petitioner) and Brij Mohan Singh are Director and Operation Sales Manager respectively of M/s Mygene Life Solution Company who are channel partner of Thermofisher Scientific Company (Invitrogen Bioservices India Pvt. Ltd.) in whose favour rate contract was awarded and it is manifestly clear from the video recording of conversation between Dr. Rajiv Kawatra and the present

advantage had been demanded by Dr. Anita Kadiyan in the matter of award of rate contract for the purchase of DNA/PCR kits and its supply. Even at the time when the meeting was held at Chandigarh for finalization of bid for rate contract, Dr. Anit Kadiyan is shown to have met Brij Mohan Singh at a coffee shop in Panchkula which was followed by subsequent visits by the petitioner to her residence where in compliance of demand made by Dr. Anita Kadiyan a sum of Rs.11 lacs bribe was paid to her by the petitioner with the active complicity and connivance of petitioner and co-accused Chandra Bhanu.

5. In the entirety of facts and circumstances, considering the fact that petitioner appeared to have been compelled to pay the bribe, the present petition is allowed and interim order dated 03.10.2023 is made absolute subject to the condition that in case the petitioner does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it in mind that this Court had advised the petitioner not to repeat the offence but he did not heed to such advice. It is further clarified that petitioner is directed to join investigation as and when called upon to do so by the investigator.

6. State counsel submits that the order of granting bail to the petitioner should not be taken as precedent while considering the bail of main accused. Request is genuine and the same is allowed. Since the case of the petitioner is on different footing, as such, this order shall not be taken as precedent.

(ANOOP CHITKARA)
JUDGE

22.11.2023
Jyoti-II

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