

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59635-2022

Date of Decision: 12th January, 2023

Harsh Adhikari

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Jagdeep S. Chahal, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in FIR No. 9, dated 20th June, 2022, under Sections 7, 7(A) of the Prevention of Corruption Act, 1988 and Section 120-B of Indian Penal Code, 1860, registered at Police Station Vigilance Bureau, F.S.-1, SAS Nagar (Mohali).

2. Learned counsel for the petitioner claims parity with co-accused Sandeep Watts who was granted regular bail by this court on 8th December, 2022. He submits that investigation is complete, challan stands presented and the petitioner is in custody since 23rd August, 2022.

3. The following order was passed by this Court on 8th December, 2022:-

“This petition filed under Section 439 Cr.P.C. seeking regular bail emanates from FIR No. 9 dated 20.6.2022, under Section 7 and 7-A of the Prevention of Corruption Act, 1988 and Section 120-B IPC, registered at Police Station Vigilance Bureau Flying Squad-I, Punjab at Mohali.

The brief facts are that complainant-Sanjay Kumar, a Government Contractor running a firm in the name and style of Dicadla Cooperative Society Ltd. sent a complaint on 18.1.2022 through post to Vigilance Bureau. After waiting for sometime, he sent a complaint to Anti- Corruption Action Line and to the Chief Director, Vigilance Bureau. It was alleged that Punjab Water Supply and Sewerage Board (for short, 'the Board') allotted the

work for putting sewerage pipes at SBS Nagar to his firm for Rs.7.30 crores. Sandeep Watts (petitioner) Assistant Secretary in the Board demanded bribe on behalf of Sanjay Popli, IAS, Chief Executive Officer of the Board. One per cent of the value of work done was demanded for releasing the payment. Rs.3,50,000/- was paid to the petitioner and he took Rs.5,000/- separately. The incident was videographed.

Learned counsel for the petitioner submits that the petitioner is in custody since 20.6.2022, investigation is complete, challan stands presented. He further submits that as per the case set up, Rs.3,50,000/- paid to petitioner was for Sanjay Popli. The contention is that the role attributed to the petitioner is that he accepted Rs.5,000/-. He argues that there is no proof against the petitioner of making demand of illegal gratification.

Learned counsel for the State opposes the prayer for grant of bail. He submits that Des Raj, SDO in the Board has given a statement that the petitioner was the conduit for illegal gratifications paid to Sanjay Popli. He however fairly submits that no recovery was made from the petitioner and investigation is complete.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case and are made only for the purpose of deciding the bail application.

Considering the nature of allegations attributed to the petitioner; no recovery was made from him; at best the case of the prosecution against him is that he was working as conduit for Sanjay Popli; though the investigation is complete conclusion of trial is likely to take time and the petitioner has no criminal antecedents, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

4. Learned counsel for the State though opposes the prayer for grant of bail but on instructions fairly submits that challan has been presented. He is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

5. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, considering the custody period and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.
7. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

12th January, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No