

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-11213-2024
Decided on: 12.03.2024

Rajbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

Mr. Arpan Sabharwal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
30	15.11.2023	Vigilance Bureau Range Jalandhar	384, 420, 120B IPC and Sections 7, 7A & 12 of Prevention of Corruption (Amendment) Act 2018

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail by filing the present petition.
2. Vide order dated 04.03.2024, the petitioner was granted interim protection, which is continuing till date.
3. Petitioner’s counsel submits that he is entitled to bail on parity with co-accused Paramvir Singh, who was granted bail by this Court vide order dated 07.02.2024 passed in CRM-M-1906-2024, against whom the allegations were that he had introduced the main accused.
4. Facts of the case are being taken from the reply dated 11.03.2024, which reads as under:-

“The brief facts of the case are that one complaint was received 2. from Anti Corruption Line having No. 152499 Dated 07.08.2023 at Jalandhar moved by the complainant Monish Salhotra and an enquiry of the

complaint was marked to Inspector Ravinder Kaur, Vigilance Bureau Unit Jalandhar. During the enquiry statement of the complainant was recorded. The complainant Monish Salhotra stated that he is running two companies namely EBTL Company established in 2013 and another company Ligerio System Pvt Ltd established in year 2018. Whereas, his company EBTL Pvt Ltd deals in manufacturing smart electricity switches and Ligerio system deals in marketing the smart switches. On 04.02.2020, one G & M company, owned by co-accused Gagandeep Singh, entered into an agreement with the complainant company to prepare samples of switches for 25000 US dollars. A sum of 12500 US dollars was transferred by way of NEFT in advance in the account of Ligerio system Pvt. Ltd with Punjab National Bank. Thereafter due to the Covid Pandemic, everything came to standstill. So, G&M company unilaterally canceled the agreement by sending email in writing but by that time the complainant had completed the work for 19000 dollars. However, G&M company started demanding its money back, paid in advance to the complainant company. But thereafter no talk took place between the two companies. Then, co-accused Gagandeep Singh one of the owner of G&M company adopted a noble method to get his money back by blackmailing the complainant through Co- accused Ravinder Kumar, who was posted as Superintendent Enforcement Directorate, Jalandhar. It has come out during the enquiry as well as investigation of the case, that co-accused Rajbir Singh, who was just residing next door to accused Gagandeep Singh told the complainant that Ravinder Kumar posted in Enforcement Department has made a phone call to him to tell complainant that Gagandeep Singh had filed one complaint against his company with ED office. Initially, complainant did not take it seriously and asked petitioner Rajbir Singh that he would see, if any call is received by him personally in this regard. Then, on 26.02.2022, complainant received a call from mobile number 80535-00145, subscribed in the name of accused Ravinder Kumar, who was posted as Superintendent in the enforcement Department at Jalandhar on the mobile phone of his wife Smt. Komal Salhotra, bearing subscription number 99885-87099 and another call made through whatsapp. In that call, the Ravinder Kumar made a reference of his talk with petitioner Rajbir Singh. On the asking of the complainant, whether he was speaking to an Enforcement Directorate official, Ravinder Kumar replied in affirmative and asked complainant to meet him. The complainant further questioned, Ravinder Kumar, whether he should meet him in the office of the ED, upon which Ravinder Kumar told that he would inform in the evening. Then complainant again talked to petitioner Rajbir Singh on whatsapp and the petitioner Rajbir Singh told that he will arrange the meeting of the complainant with Ravinder Kumar of ED department.

On 01.03.2022 the petitioner Rajbir Singh arranged a meeting of complainant with Enforcement Directorate official Ravinder Kumar outside the office of accused Ravinder Kumar, near Heat seven Restaurant, Jalandhar. Ravinder Kumar told the complainant that he had received one complaint in ED office made by Gagandeep Singh and in case, a case is registered under the FEMA act, then the carrier of

complainant's company would come to an end asked him to approach his CA in this regard. Then, accused Parambir Singh, CA suggested complainant to engage services of some CA, who deals in ED cases. Though, there was no complaint pending with the ED against the complainant, still by blackmailing the complainant, all the accused got entered a settlement with Gagandeep Singh and also compelled the complainant to pay 4 Lacs to be paid to the officials of ED office. The accused Parambir Singh alongwith petitioner and other co- accused by blackmailing the complainant got entered a settlement with Gagandeep Singh and also compelled the complainant to pay rupees 4 Lacs to be paid to the officials of ED office.”

5. Counsel for the State as well as complainant, oppose the bail. State counsel submits that it was the petitioner who conceived the idea of cheating in the name of ED and he had introduced Ravinder Kumar and Gagandeep, as such he is not entitled to bail. Counsel for the complainant opposes the bail more vigorously and submits that petitioner is not entitled to bail because if he had not conceived the plan then the fraud would not have taken place

6. Counsel for the petitioner submits that petitioner’s role is same as that of Paramvir Singh, who has been granted bail by this Court, he only organised meeting between the parties as well as of complainant with Chartered Accountant and there is no allegation that he had taken any money for himself.

7. In the reply dated 11.03.2024, role of the petitioner has also been mentioned, which reads as under:-

“The petitioner Rajbir Singh is the main mastermind of this extortion, blackmailing and forgery in this case and he is a cousin of brother of CA Paramvir Singh. The petitioner is also the neighbour of Deepinder Singh and Gagandeep Singh (who is residing in America now). The petitioner had introduced the complainant Monish Salhotra to Ravinder Singh Superintendent in ED department and had blackmailed, extort the money from the complainant Monish Salhotra. The petitioner Rajbir Singh had also taken an amount of Rs.2 lacs cash from complainant and gave it to CA Arshdeep Singh in March 2022. Even so much so, it was found that one settlement/agreement was executed between the complainant Monish Salhotra and Deepinder Singh on 28.03.2023, which was witnessed by the petitioner Rajbir Singh which clearly shows that the petitioner is the main culprit in this case who are hand in glove with Deepinder Singh and Ravinder Kumar in committing the crime by

blackmailing, threatening and extorting the money of the complainant by using illegal means. Even there are mobile locations of the petitioner with co-accused Ravinder Kumar Superintendent ED Office and complainant together at one place on 01.03.2022 at Jawahar Nagar, Jalandhar, which clearly shows his role in this case. Even there is call recording produced by the complainant before the Investigation Officer in which there is recording of conversation between complainant Monish Salhotra and ED official Ravinder Kumar in which the ED official Ravinder Kumar clearly stated the name of Rajbir Singh in that conversation. From the facts and circumstances mentioned above, the petitioner is the main culprit in this case, who had planned the conspiracy in order to blackmail and extort the money from the complainant.”

8. I have heard counsel for the parties and perused the record and its analysis would point out that petitioner’s role is similar to Paramvir Singh, to whom this Court had granted bail. However, petitioner had arranged a meeting but there is no allegation that he had taken any financial benefit.

9. Given above, petition is allowed and interim order dated 04.03.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.03.2024
anju rani

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