**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35760-2024
Reserved on: 06.09.2024
Pronounced on: 27.09.2024

Arshdeep Singh Grover ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Cheema, Sr. Advocate with
Ms. Sumanjit Kaur, Advocate
for the petitioner.

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

Mr. Arpan Sabharwal, Advocate for the complainant.

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ANOOP CHITKARA, J.

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

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"The brief facts of the case are that one complaint was received 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 Ligero System Pvt Ltd established in year 2018. Whereas, his company EBTL Pvt Ltd deals in manufacturing smart electricity switches and Ligero 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 Ligero 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 already 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 illegal mean 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 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 petitioner 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 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 Rajbir Singh on WhatsApp and Rajbir Singh said that he will arrange the meeting of the complainant with Ravinder Kumar of ED department. On 01.03.2022 Rajbir Singh arranged a meeting of complainant with Enforcement Directorate official 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 career of complainant's company would come to an end asked him to approach his CA i.e. the present petitioner in this regard. Then, accused Parambir Singh, CA suggested complainant to engage services of some CA i.e. present petitioner, 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 into 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 Paramvir Singh along-with petitioner and Rajbir Singh & 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.

> *2. That furthermore, it is pertinent to mention before this Hon'ble Court that the provisions of the PC Act have been invoked in the present FIR as Ravinder Kumar is a Public Servant who had actively connived with Rajbir Singh, Paramvir Singh, Gagandeep Singh, Deepinder Singh and the petitioner Arshdeep Singh in extorting money from the Complainant while making him believe that there is a case pending before the Enforcement Directorate against him and at the same time conspiring A against the Complainant and cheating him to the tune of more than Rs.11,00,000/-. Thus the provisions Under Sections 7, 7-A, 12 of the provisions of the Prevention of Corruption Act, 1988 have been rightly invoked in the present FIR."*

4. Mr. R.S. Cheema, Sr. Advocate, submitted that complainant himself is guilty of an offence u/s 8 of PC Act. He consciously proceeded to settle the alleged complaint before the ED by paying a bribe and he also agreed to pay a bribe of Rs. 4 lacs and actually paid it. It is further submitted that the payment to the ED official was made in March/April 2022 and alleged amount of Rs.60,000/- & 40,000/- was paid to the petitioner in April and July 2022. However, the complainant filed the complaint culminating into FIR much later on 07.08.2023 and therefore the complainant is accused himself. Counsel further submits that the alleged amount paid to petitioner is his professional fee.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. Ms. Swati Batra, Ld. DAG argued that according to the instructions of Inspector Ravinder Kaur, it is alleged that co-accused Rajbir Singh previously obtained a sum of Rs. 2,00,000/- in cash from the complainant and handed it over to the petitioner, Chartered Accountant Arshdeep Singh, in March 2022, who then forwarded the amount to the co-accused ED official, Ravinder Kumar. Subsequently, another Rs. 2,00,000 was given to the petitioner, Arshdeep Singh, through co-accused Rajbir Singh, by the complainant for further payment to the co-accused ED official. The evidence further indicates that Rs. 40,000 was transferred into the petitioner's account, and an additional Rs. 60,000 was received by him in cash directly from the complainant, purportedly to resolve a complaint pending before the ED against the complainant. She further argued that there are two call recordings of the petitioner. The first call, dated 04.03.2022, is a conference call between the petitioner, co-accused, and the complainant, during which the petitioner claims to be closely acquainted with the co-accused ED official. In another call recording, dated 14.03.2022, the petitioner states that the matter could not be settled for Rs. 3.5 lakhs.

8. It would be appropriate to refer to the following portions of the reply, which read

as follows:

> *"ROLE OF THE PETITIONER*
>
> *The petitioner is working as Chartered Accountant in Ludhiana, who connived with other co-accused and Superintendent Ravinder Kumar of ED Department extort the money from the complainant by blackmailing him. The Rajbir Singh had earlier taken an amount of Rs.2 Lacs cash from complainant and gave it to the petitioner CA Arshdeep Singh in March 2022, who is known to Ravinder Kumar Superintendent ED Department. Again Rs.2 Lacs was given to Arshdeep Singh petitioner through Rajbir Singh by the complainant. It is further come into the evidence that Rs.40,000/- was taken by the petitioner Arshdeep Singh in his account and Rs.60,000/- was taken by him in cash directly from the complainant for solving the said complaint in ED Department against the complainant. Even there are mobile locations of No petitioner along with Rajbir Singh and the complainant Monish Salhotra together at one place on 09.03.2022 at Model Town, 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 petitioner Arshdeep Singh in which he clearly demanded Rs.4 Lacs from the complainant, which should be given to the ED department for resolving the complaint against the complainant. Even there is another conversation between the complainant and the petitioner regarding receiving of money of Rs.4 lacs by the petitioner on the pretext of resolving the complaint against the complainant. From the facts and circumstances mentioned above, the petitioner is the culprit in this case and executed a plan in order to blackmail and extort the money from the complainant."*

9. The petitioner had received money, and the possibility of such money as professional charges cannot be ruled out, although such receipt under such situations might be highly unethical professional conduct. There is sufficient primafacie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, this Court is not considering the evidence at that stage but is analyzing it for the bail stage.

10. The petitioner is entitled to bail on parity with co-accused Rajbir Singh, to whom this Court had granted bail in CRM-M-11213-2024 on 12-03-2024.

11. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there

would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. *<u>The petitioner is directed to join the investigation within seven days and as and when called by the Investigator</u>.* The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor against the petitioner Arshdeep's conduct, personal or professional, or complainant, nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the

official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.09.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.