

CRM-M-36614-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36614-2023
Reserved on: 11.01.2024
Pronounced on: 23.01.2024

Jaspreet Singh Sidhu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. LuvinderSofat, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	02.05.2023	Vigilance Bureau, Flying Squad-I, Mohali	409, 420, 465, 466, 467, 468, 471, 120-B IPC and Sections 13(1)(a), 13(2) of Prevention of Corruption (Amendment) Act 2018

1. The petitioner, who at the time of crime, was posted as Horticulture Development Officer, apprehending arrest in the FIR captioned above,for helping wife of his senior IAS Officer in getting compensation to which he was not entitled and with a view to help her preparing three sets of reports, has come up before this Court seeking anticipatory bail by filing the present petition under Section 438 CrPC.
2. The present bail petition was filed on 31.07.2023. Matter was listed three time before the Coordinate Bench of this Court but no interim relief was granted. However, when matter was listed before this Court, vide order dated 01.09.2023, petitioner was granted interim bail subject to his declaration of assets as mentioned in para 15 of the above said order. Needless to say that petitioner’s counsel had explicitly mentioned that he be granted interim bail and he has no objection to any of the condition and such statement was made at the instance of the petitioner, as mentioned in para 3 of the bail order dated 01.09.2023. On 11.09.2023, petitioner’s counsel stated that they had voluntarily complied with the previous order and have declared their assets. On 12.09.2023, State opposes the bail by mentioning that the petitioner has laundered illicit money and had transferred the money in favour of his son. In all, the matter was

extensively argued and heard on 13 dates.

3. Facts of the case are being extracted from para 3 to 18 of the reply dated 09.08.2023:-

“3. That it is respectfully submitted that with regard to the subject matter of the present petition, it is submitted that the case/ FIR No.16, dated 02.05.2023, under section 409, 420, 465, 466, 468, 471, 120-B IPC and 13(1) r/w 13(2) Prevention of Corruption Act, 1988 as Amended by Prevention of Corruption (Amendment) Act 2018 (Section 201 IPC added later on) at Police Station Vigilance Bureau, Flying Squad-1, Punjab at Mohali on the basis of the inquiry report in Complaint number 707 of 2022, which was initiated on the basis of a Source Information Report. As per the same, in year 2016-17, Greater Mohali Area Development Authority (herein after referred as 'GMADA') started process of acquisition of land for public purpose, namely setting up of "Aerotropolis Residential Project near IT City and Aero City Scheme" in different villages regarding which Social Impact Assessment (hereinafter referred as 'SIA') notification under section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (hereinafter referred as 'Act') was issued on 15.12.2017. Accordingly, a public notice dated 20.12.2017 regarding this notification, with a view to associate the interested persons in carrying out SIA study was also published in two leading newspapers viz "The Tribune (English version) and 'Ajit' (Punjabi version) of 20.12.2017. Subsequently, Preliminary Notification no. 06/05/2017- 6HG1/1412820/1 dated 06.02.2019 under section 11 of the Act was issued by the Government of Punjab, Department of Housing and Urban Development for acquisition of 737.1252 acres of land of 5 Villages (Bakarpur, Nraingarh, Safipur, Chhat & Rurka) of District S.A.S. Nagar. It is further submitted that this notification under Section 11 of the Act was published in the official Gazette dated 06.02.2019 and also in two leading newspapers i.e. "The Tribune" (English language) and 'Rozana Ajiť (Punjabi language) on 19.02.2019. Besides this, the aforesaid notification was also displayed on the notice boards of Gram panchayats of Villages Bakarpur, Nraingarh, Safipur, Chhat& Rurka and the same were also forwarded to the Deputy Commissioner, S.A.S. Nagar and Tehsildar, Mohali vide letter no. 10986-91 dated 18.02.2019. This notification was also uploaded on the official website (gmada.gov.in) of GMADA for the information of General Public. It is pertinent to mention here that the substance regarding the issuance of notification u/s 11 of the Act also got entered in the RapatRoznamcha of Village Bakarpur vide Rapat No. 231 dated 11.03.2019 by the concerned Halqa Patwari. Thereafter, declaration under section 19 of the Act was issued vide notification no. 06/05/2017-6HG1/1170/A1 dated 28.08.2020 for acquisition of 581.1867 acres of land of Villages Bakarpur, Safipur and Rurka (Pocket A). This declaration under Section 19 of the Act was published in the Official Gazette on 28.08.2020 and in 2 leading newspapers i.e. 'Hindustan Times' (English version) and 'Rozana Ajiť (Punjabi version) dated 29.08.2020. Further, process of acquisition was completed vide Award number 573 dated 08.01.2021, Pocket-A for total area of 579.71 acres situated at village Bakarpur, Rurka and Safipur: vide Award number 574 dated 08.01.2021, Pocket-B for total area of 206.39 acres at village Mattran, Manoli and Siaun; vide Award number 575 dated 08.01.2021, Pocket -C for total area of 242.54 acres at village Patton, Manoli and Siaun; vide Award number 576 dated 08.01.2021, Pocket -D for total area of 493.88 acres at village Patton, Manoli, Saini Majra and Chau Majra; vide Award number 577 dated 12.02.2021, Pocket-A at

village Naraingarh for total area of 68.66 acres and vide Award number 578 dated 12.02.2021, Pocket-A at village Chatt for total area of 60.41 acres.

4. That, during enquiry it transpired that certain beneficiaries who have claimed compensation for fruit trees situated on their land were familiar with the concerned officials/ higher-ups of GMADA and ere having prior information of the land acquisition as well as the villages, where the land was to be acquired and moreover, they were also aware that the compensation for trees, including fruit bearing trees, is assessed separately from the value of the land acquired. Subsequently, these individuals or groups in a preplanned way started purchasing and accumulating the land which was going to be acquired by the Authority with intention to exploit the provisions of the Act for their own wrongful gain in connivance with the concerned officials of Revenue Department, Land Acquisition Collector (hereinafter referred as 'LAC'), GMADA, Horticulture Department etc. Further, the accused persons in order to obtain wrongful higher compensation showed Guava orchards to be present over their land and in order to influence value assessment of Guava trees showed the age of Guava trees to be 4 or more than 4 years, so that those are considered as fruit yielding. To do so, these accused persons get the Revenue/ Khasra Girdawri Register record pertaining to village Bakarpur for the year 2016-17 tampered with the help of accused revenue Patwari Bachittar Singh and got mentioned in the record that Guava trees are planted since year 2016. Moreover, Bachittar Singh Patwari replaced the original Khasra Girdawri Register pertaining to Khasra number 1//25 to 25//12/2 from year 2016 to 2021 by getting printout of the proformas of Khasra Girdawri Register from Fard Kendra, Mohali on 15.04.2019 at 04:47:03 Evening and prepared ante-dated Khasra Girdawri Register w.e.f. 'Sauni'-2016 showing presence of Guava orchards in the land of the accused persons.

5. That initially FIR was registered by name against 18 accused persons, however, during Investigation 46 more persons have been nominated as accused and out of these, 20 accused have been arrested as of today.

6. It is pertinent to mention here that according to Section 26 of the Act, date for determination of market value of acquired land shall be the date on which the notification has been issued under Section 11. Moreover, as per Section 27 of the Act the Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner by including all assets attached to the land. As such, market value of the assets (trees/ fruit trees/ building etc.) attached to the land acquired is determined separately from the value of the land.

7. Under the Act, determination of the age and category of fruit-bearing plants is crucial for calculating their market value and this assessment is typically done by horticulture officials or experts. These officials assess various factors to determine the age and category of the plants for the purpose of evaluating market value. The assessment may involve

examining the physical characteristics of the plants, such as the size, trunk girth, branching pattern, and overall health. These parameters can provide indications of the plant's age and its stage of fruit-bearing.

8. Department of Horticulture, Punjab has formulated a formula for calculation of the compensation to be paid in respect of fruit trees standing on the acquired land. This formula is known as Evaluation of Fruit Trees Formula and it was evolved in 1954, which was revised in 1966 and then in 1985. Further, almost 2 decades later, a committee was appointed by the Punjab Government to revise the old formula and the committee devised a new formula dated 21.06.2004 for calculating the compensation to be paid to the Orchardists. It is pertinent to mention here that, the definition of orchard was not mentioned in earlier formulas and all the calculated factors were implemented on the scattered plants. However, in the formula dated 21.06.2004, It was categorically mentioned that a half acre unit (except grapes) will be considered as an orchard on which all the factors of evaluation will be applicable. Scattered plants will be considered as non-commercial and during assessment they will be kept in 'D' class and mortality factor will not be applicable on such plants. It is pertinent to mention here that in the present case. the evaluation of fruit (Guava) trees was calculated in accordance with formula dated 21.06.2004 and the maximum number of trees per acre to be considered for assessment was not mentioned in this formula. However, after completion of the evaluation of the fruit trees standing on the land acquired for Aerotropolis scheme in January, 2022 on the basis of formula dated 21.06.2004, later in the same year 2022 the Department of Horticulture initiated process to revise this formula and a committee was appointed by the Punjab Government for the same. Subsequently, a new formula dated 07.10.2022 for Evaluation of Fruit Trees was devised for calculating the compensation to be paid for the fruit trees and the estimated non-recurring expenditure and recurring expenditure were revised per plant. Moreover, maximum number of plants per acre to be considered for assessment of various fruit trees was fixed in this new formula and for Guava Trees, the maximum number of plants per acre is categorically fixed as 110, if plants are planted at a distance of 20 feet x 20 feet and 132, if plants are planted in high density/ closer i.e., at a distance of 20 feet x 17 feet.

9. That to understand the calculations made to evaluate the price of the plants in accordance with the Formula, the working of the Formula is discussed below :-

EVALUATION OF FRUIT TREES FORMULA

Department of Horticulture, Punjab, Chandigarh

Basic Value of guava tree in the pre-bearing stage:

a) Non-recurring expenditure (preparation of land, layout, digging, refilling etc.) has been estimated to be Rs. 45 per plant.

- b) Recurring expenditure (maintenance of tree, hoeing, irrigation, manure, fertilizers etc.) has been estimated to be Rs. 45 per plant per year, till the tree start commercial bearing (i.e. 4th year).
- c) Mortality percentage (all the trees planted initially in the orchard do not survive and the dead trees have to be replaced). The rate of mortality varies with different species, in Guava species, the rate of plant mortality is considered to be 10%.

Basic value:

The cost in the pre-bearing stage will be the sum of non- recurring and the recurring expenditures appreciated by the percentage of mortality. Basic price of Guava is calculated to be :- $(45+3 \times 45) \times 110/100$ = Rs. 198 per plant.

The Punjab Government appointed a committee to revise the above said old formula and a new formula was formulated on 07.10.2022. As per which non-recurring expenditure has been estimated to be Rs. 320 per plant and recurring expenditure to be Rs. 300 per plant per year, till the tree start commercial bearing (i.e. 4th year). The maximum no. of plants per acre to be considered for assessment is fixed as 110 (for 20 x 20 feet distance) and 132 for closer/high density planting (20 x 17 feet distance).

Final assessment of guava tree :

Basic value + (No. of remaining bearing year x income per year x multiplying factor) + fuel / timber value.

The total average bearing age for a guava tree is 20 years and it comes into bearing at 4th year. Hence, final assessment of a 4 year old guava tree according to old and new formula is as described below:-

Class	Old Formula	New Formula	Difference (Old-new)
1	$198+(19 \times 400 \times 1/2)=$ 2,000 trees x 3,998= Rs. 79,96,000/-	$1342+ (24 \times 1150 \times 1/3)$ = Rs. 10,542/- 110 trees x 10,542 = Rs.11,59,620/-	Rs. 68,36,380 per acre
II	$198 + (19 \times 300 \times 1/2)$ = Rs. 2,850/- 2,000 trees x 2850 = Rs. 60,96,000/-	$1342 + (24 \times 862.5 \times 1/3)$)= Rs. 8,242 110 trees x 8,242 = Rs.9,06,620/-	Rs. 51,89,380 per acre
III	$198+ (19 \times 200 \times 1/2)$ = Rs. 2,296 2,000 trees x 2,296 = Rs. 45,92,000	$1342 + (24 \times 575 \times 1/3) =$ Rs. 5,942 110 trees x 5,942 = Rs.6,53,620/-	Rs. 39,38,380 per acre
IV	$198 + (19 \times 100 \times 1/2)$ = Rs.1,148 2,000 trees x 1,148 = Rs. 22,96,000/-	$1342 + (24 \times 287.5 \times 1/3) =$ Rs. 3,642 110 trees x 3,642 = Rs. 4,00,620	Rs. 18,95,380 per acre

10. That, after issuance of notification alongwith details of the land to be acquired for Pocket-A under section 11 of the Act on 06.02.2019, the office of LAC, GMADA obtained updated relative land records pertaining to ownership of the land under acquisition from the Revenue Department and prepared list of landowners in accordance with khasra numbers under acquisition. Thereafter, preliminary survey of land to be acquired was conducted by the acquisition Authority and after identifying and counting the number of Assets (building, tubewell and pipeline, fruit bearing trees and non-fruit bearing trees), separate survey lists in accordance with the type of Asset attached with the land detailed survey list pertaining to fruit bearing trees attached with the land under acquisition of Pocket-A Village- Bakarpur and others was prepared and further sent by LAC, GMADA to the Director Horticulture vide letter number 2819 dated 09.11.2020 for determination of market value of said trees. Similarly, LAC sent other survey lists of fruit trees pertaining to Pocket-B vide letter number 2786 dated 09.11.2020, Pocket-C vide letter number 2825 dated 09.11.2020 and Pocket-D vide letter number 2813 dated 09.11.2020 respectively to Director Horticulture for determination of market value of fruit trees present on the land under acquisition.

11. Thereafter, on 11.11.2020 Director Horticulture directed Deputy Director, Horticulture, SAS Nagar to determine market value of the fruit bearing trees situated in Pocket-A vide letter number 13958, for Pocket-B vide letter number 13959, for Pocket-C vide letter number 13960 and for assessment of Pocket-D vide letter number 13961 in accordance with the survey list sent by LAC, GMADA and submit respective assessment reports.

12. Subsequently, on 13.11.2020 Danish Kumar, the then Deputy Director Horticulture, SAS Nagar directed the present petitioner Jaspreet Singh Sidhu, HDO, Dera-Bassi to prepare and submit assessment report of fruit trees situated in Pocket-A and also directed Vaishali, HDO, Kharar to prepare and submit assessment report of fruit trees situated in Pocket B, C and D.

13. That, it is pertinent to mention here that the land under acquisition of Pocket-A that is Villages- Bakarpur, Rurka, Shafipur and acquisition Naraingarh falls in the jurisdiction of Block- Kharar of the Horticulture Department and Vaishali, HDO was posted as HDO, Kharar at that time, whereas, the present petitioner Jaspreet Singh Sidhu was posted as HDO at Dera Bassi. However, co-accused Danish Kumar, Deputy Director marked the assessment work of Pocket-A to the present petitioner without giving any reason/ justification and without taking any permission from the Director Horticulture. Apparently, the Deputy Director was hand in gloves with the present petitioner and deliberately passed on the assessment work of majority of land/ fruit trees to the present petitioner, as about 90% of land bearing fruit trees were situated in Pocket-A only as compared to those in Pocket-B, C and D.

14. That, it is pertinent to mention here that fruit trees said to be present on about 180 acres of land were required to be evaluated by the present petitioner Jaspreet Singh Sidhu, HDO, whereas, as per record and as per his own submission in the present petition he had visited the land under acquisition only once that is on 11.12.2020 for inspection/ evaluation and had managed to prepare assessment report pertaining to total 207 khasra numbers mentioned separately in the survey list of the LAC, GMADA. Moreover, the present petitioner was found to have obtained

photocopies of khasra Girdawri record pertaining to some landowners, whereby, over writing/ addition/ alteration to mention guava orchard was clearly visible with the naked eye and in some cases guava orchards were mentioned only from year 2017-18 onwards, however, he deliberately ignored these facts and proceeds to prepare tailor made assessment report evaluating 4-5 years of age of said plants, whereas, their value/ age/ category was to be determined as that on 06.02.2019, that is the date of issuance of notification u/s 11 of the Act.

15. Thereafter, the present petitioner prepared the assessment report, which was duly signed by him and counter signed by the then Deputy Director Danish Kumar. Further, on 26.02.2021 Deputy Director Horticulture submitted this assessment report qua Pocket-A to the Director Horticulture. However, present petitioner Jaspreet Singh Sidhu, HDO who has prepared this report, was found to have signed it himself on behalf of the Deputy Director while forwarding this report to the Director.

16. Thereafter, Director Horticulture sent this assessment report of the fruit bearing trees situated in Pocket A to LAC, GMADA vide letter dated 04.03.2021.

17. That it is pertinent to mention here that the present petitioner has categorically submitted in his petition that no compensation had been released on the basis of his report. However, this submission is factually incorrect and is an attempt by the petitioner to mislead this Hon'ble Court, as from the relevant record of LAC, GMADA pertaining to the payments of compensation for fruit trees it has surfaced that following payments to the said landowners were released by the office of LAC on the basis of the assessment report of the present petitioner: -

Sr. No.	Name of Owner/beneficiary	Amount in Rs.	Date
1	Parshotam Dass Gupta	2391269	13.05.2021
2	Gaurav Kansal	2391269	13.05.2021
3	Abhishek Kansal	2391269	13.05.2021
4	Sunita Gupta	2391269	13.05.2021
5	Harbinder Kaur	125529567	13.05.2021
6	Lakhmir Singh	6096956	13.05.2021
7	Nachhattar Singh	6096956	13.05.2021
8	Sawaranjit Kaur	20733930	13.05.2021
Total		16,80,22,485	

18. Thereafter, certain land owners of village Bakarpur submitted their representations with Director Horticulture mentioning that the guava plants present on their land were of the same type and also planted at the same time as by the other beneficiaries who were paid comparatively much higher compensation than what was paid to them. On the basis of these applications Director Horticulture wrote to LAC, GMADA vide letter dated 12.07.2021 requesting him to stop the payments till these complaints are disposed of.

4. Mr. P.S. Ahluwalia, counsel for the petitioner who had extensively argued the matter, submits that the allegations against the petitioner were that there were three reports, out of which, one report was sent to office of GMADA, which had different

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evaluation in comparison to other two reports. He submits that the report was changed at the office of GMADA and when he had sent it, it had no issues. He further submits that they had no control in GMADA office and in case tampering takes place in office of GMADA, how can the petitioner be made responsible for the same.

5. State counsel opposes the bail by stating that out of 270 enteries of report, there were three entries at Sr.No.160, 161 & 162, which pertain to wife of senior IAS officer and evaluation report is typed copy which was sent to GMADA and then the other two copies were sent to other two departments. State counsel on instructions submits that the petitioner had signed the same and his signatures tally on all three reports and further there is no tempering with the signatures of petitioner or other co-accused. State on instructions further submits that different reports were prepared in order to help senior IAS officer so that his wife be granted compensation beyond her rights. State further submits that it is a big scam where guava trees were shown to have been planted to claim compensation of fruit bearing trees, whereas, in fact in some cases there was no tree on the land or in some cases plants were new and simply farmer showed guava orchard of fruit bearing trees in connivance with the revenue officials and the petitioner. State counsel submits that the beneficiaries mentioned at sr, no.160, 161, 162 were entitled to less money which would fall under Grade I, but she was given more money by showing that their guava trees fall under Grade II. State submits that the petitioner was patronage of the senior IAS officer and as such even the investigation was scuttled and hampered and it is now with the change of government that investigation is being conducted in fair manner. State further submits that present government of Punjab as per election manifesto is making all efforts to stop massive corruption which is rampant in the government officials of the State of Punjab and is continuing from the previous rules. State further submits that this is one such case, where in return made a different document was prepared, so that wife of senior officer could get a massive compensation which was much more than the value of land which she had purchased.

6. I have heard counsel for the parties and gone through the record.

7. The documents which point towards the petitioner's involvement and forgery is accompanied with the letter No.3484 dated 04.03.2021, copy of which is produced during the course of arguments. There were three sets of the same document. One was sent to GMADA and two were sent to other departments, by showing compensation as actual, however in the report sent to GMADA at Sr. No.160, 161, 162, are totally different. The third set which was sent to GMADA where compensation has to be released, compensation amount was shown to be higher. The actual compensation to which wife of the IAS officer and other beneficiaries qua Entry Nos.160, 161 & 162, was entitled and what was paid to them is as follows:-

Landowner/Beneficiary	Khasra nos. and Nos of Plants	Age, Category and value as per office copy	Age, category and value as per report sent to LAC
Anil Arora Jasmeen Kaur Kulwinder Kaur Reeat Grover Cheshta Parshotam Dass Gupta Abhishek Kansal Gaurav Kansal Sunita Gupta Shama Jindal	58/7, 3/2,4,8 1832	4 years <u>Category IV</u> Rs.23,13,449/-	4 years <u>Caterogory II</u> Rs. 61,42,329/-
	58/10 1380	4 years <u>Category IV</u> Rs. 17,42,664/-	4 years <u>Category II</u> Rs. 46,26,864/-
	58/9 1720	4 years <u>Category IV</u> Rs. 21,72,016/-	4 years <u>Category II</u> Rs. 57,66,816/-

8. On both the documents, petitioner has put his signatures. The petitioner has signed both the reports as J.S. Sidhu. State submits that there is a doubt about the signatures of other officer on the calculation/report wherein, enhanced compensation shown. However as far as the petitioner is concerned, his signatures are apparent and he had not only handed over the documents to GMADA but they have evidence that the petitioner was aware of the compensation amount mentioned in 3rd document awarded to wife of IAS officer.

9. Allegations are serious and it shows the involvement of senior bureaucrats who was duty bound to do work honestly but instead of that, his wife took advantage and petitioner helped her in drawing compensation from state exchequer. In return as per the State, petitioner enjoys patronage or tutelage of senior bureaucrat’s wife. There is sufficient evidence against the petitioner to connect him with the crime, as such, he is not entitled to bail. Further custodial interrogation is required to find role and involvement of other bureaucrats and other officers. On the face of it, his signatures are identical, as such it is not a case for bail.

10. Given the nature of allegations, custodial interrogation is required. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

11. In Sumitha Pradeep v Arun Kumar CK, 2022 SCC OnLine SC 1529, Supreme Court holds,

[16]. ... We have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious

misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

12. In State of Gujarat v. Mohanlal Jitmalji Porwal (1987) 2 SCC 364, Supreme Court holds,

[5].The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest....."

13. In State rep. by CBI v. Anil Sharma, (1997) 7 SCC 187, Supreme Court holds,

[6]. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.

14. In Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379, Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief,

the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434, State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213 and Union of India v. Padam Narain Aggarwal (2008) 13 SCC 305].

15. In Y.S. Jagan Mohan Reddy v. CBI (2013) 7 SCC 439, Supreme Court holds,

[34]. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

[35]. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.

16. In P. Chidambaram v. Directorate of Enforcement, 2019 9 SCC 24, Supreme Court holds,

[70]. We are conscious of the fact that the legislative intent behind the introduction of Section 438 Cr.P.C., 1973 is to safeguard the individual's personal liberty and to protect him from the possibility of being humiliated and from being subjected to unnecessary police custody. However, the court must also keep in view that a criminal offence is not just an offence against an individual, rather the larger societal interest is at stake. Therefore, a delicate balance is required to be established between the two rights - safeguarding the personal liberty of an individual and the societal interest. It cannot be said that refusal to grant anticipatory bail would amount to denial of the rights conferred upon the appellant under Article 21 of the Constitution of India.

17. In Central Bureau of Investigation v. Santosh Karnani, Cr.A 1148 of 2023, dated 17-04- 2023, Supreme Court, in an FIR registered under sections under Sections 7, 13(1) and 13(2) of the Prevention of Corruption Act, 1988, holds,

[24]. The time-tested principles are that no straitjacket formula can be applied for grant or refusal of anticipatory bail. The judicial discretion of the Court shall be guided by various relevant factors and largely it will depend upon the facts and circumstances of each case. The Court must draw a delicate balance between liberty of an individual as guaranteed under Article 21 of the Constitution and the need for a fair and free investigation, which must be taken to its logical conclusion. Arrest has devastating and irreversible social stigma, humiliation, insult, mental pain and

other fearful consequences. Regardless thereto, when the Court, on consideration of material information gathered by the Investigating Agency, is prima facie satisfied that there is something more than a mere needle of suspicion against the accused, it cannot jeopardise the investigation, more so when the allegations are grave in nature.

[31]. The nature and gravity of the alleged offence should have been kept in mind by the High Court. Corruption poses a serious threat to our society and must be dealt with iron hands. It not only leads to abysmal loss to the public exchequer but also tramples good governance. The common man stands deprived of the benefits percolating under social welfare schemes and is the worst hit. It is aptly said, "Corruption is a tree whose branches are of an unmeasurable length; they spread everywhere; and the dew that drops from thence, Hath infected some chairs and stools of authority." Hence, the need to be extra conscious.

18. In the background of the allegations and the light of the judicial precedents mentioned above in the facts and circumstances peculiar to this case, the petitioner fails to make a case for anticipatory bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed. Interim orders, if any, stand vacated. All pending applications, if any, also stand disposed.

(ANOOP CHITKARA)
JUDGE

23.01.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.