

2024:PHHC:115927



203 (3rd case)

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

**CRM-M-36782-2023 (O&M)
Date of decision: 03.09.2024**

Vipul Sehgal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.P.S.Deol, Senior Advocate assisted by
Mr. Himmat Deol & Mr. Vishal R. Lamba, Advocates
for the petitioner.

Mr. Deepinder Singh Brar, Sr. D.A.G., Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.07 dated 06.06.2022, under Sections 7, 7A, 13(1)(a) & (2) of the Prevention of Corruption Act, 1988 [as amended by Prevention of Corruption (Amendment) Act, 2018]; Section 120-B of the Indian Penal Code, 1860 (*for short 'IPC'*) [Sections 409, 420, 465, 467, 468, 471 IPC added later on), registered at Police Station Vigilance Bureau, Flying Squad 1, Punjab at Mohali, District SAS Nagar.

(2) Above FIR was registered by complainant-Harvinder Pal Singh, DSP, Vigilance Bureau, Unit SAS Nagar. Petitioner was nominated as an

2024:PHHC:115927



accused on 12.07.2022 on the disclosure made by co-accused Daljit Singh Gilzian. It was revealed during investigation that he was associate of main accused-Sangat Singh Gilzian, who served as Minister of Forest Department, Punjab. Petitioner took financial benefits & favours and was part of the racket.

(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 31.07.2023 and in pursuance thereof, he has already joined the investigation; hence, custodial interrogation of the petitioner is not required.

(4) Learned State Counsel also, after obtaining instructions from Inspector Gagandeep Kaur, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 31.07.2023 and the order reads as under:-

“Inter alia contends that the FIR in the present case was registered after due inquiry by the Vigilance Department and the petitioner was neither named in the same nor was named as one of the persons who was a recipient of any bribe/commission in the diary recovered in pursuance of the disclosure statement made by Harmohinder Singh @ Hummy who was the contractor. It is further submitted that Sangat Singh Gilzian, who was the Ex. Forest Minister and was named in the diary, has been granted interim protection vide a detailed order dated

2024:PHHC:115927



18.07.2022 passed by a Coordinate Bench of this Court in CRM-M-30346-2022 and the said case is now listed for 07.08.2023. It is contended that no amount has been traced to the account of the present petitioner and although, the present petitioner has been roped in the case on the basis of disclosure statement of Daljit Singh Gilzian i.e., nephew of Sangat Singh Gilzian but no incriminating evidence has been found against him. It is further contended that neither arrest warrants were obtained by the Vigilance against the petitioner nor any effort was made to arrest him and the first challan in the present case was filed on 06.08.2022 against certain accused persons, in which, no reference was made to the role of the present petitioner. It is argued that in the second challan under Section 173(8) Cr.P.C., which was filed against co-accused, Nitin Bansal, Binder Singh and Daljit Singh Gilzian, the sole evidence against the petitioner was three mobile calls exchanged between him and Vishal Chauhan IFS, Division Forest Officer in the last six months without there being any further evidence or any call traced between the petitioner and any other Forest Officer or Forest Range Officer to show any connivance between the petitioner and the accused officials. It is also submitted that the petitioner is not involved in any other case and his case is on a higher footing than that of co-accused Sangat Singh Gilzian who has already been granted interim protection by the Coordinate Bench of this Court.

Notice of motion for 07.08.2023.

Till the next date of hearing, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-30346-2022.”

2024:PHHC:115927



(7) On previous date of hearing i.e. 27.08.2024, this Court passed the following order:-

“Learned State counsel, on instructions, acknowledged that although, all 05 petitioners have joined investigation in pursuance of the interim orders passed on respective dates, but he seeks time to have instructions as to whether custodial interrogation of any petitioner is required and if so, reasons for the same.

Posted for 03.09.2024.

Till the next date of hearing, interim order(s) in respective case(s) to continue.

Photocopy of this order be placed on the file(s) of the connected case(s).”

(8) As already noticed, it is acknowledged by learned State Counsel on instructions that in pursuance of the order dated 31.07.2023, petitioner has joined investigation and his custodial interrogation is not required.

(9) In view of the above, present petition is allowed; interim order dated 31.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

2024:PHHC:115927



(12) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

3rd September, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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