

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40074-2024
Reserved on: 06.09.2024
Pronounced on: 18.09.2024

Deepak Goyal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
09	09.07.2024	Vigilance Bureau, Phase-I, Pb., Mohali	7/7-Aof the PC Act read with Section 61(2) of the B.N.S. Act, 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 11 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:

“4. **Role and Evidence Against Petitioner:**

a) *That it is respectfully submitted that it has transpired from the perusal of the record related with the instant matter that the FIR No. 09, Dated 09.07.2024 was registered at Police Station Flying Squad-1, Vigilance Bureau, Punjab under sections 7, 7-A of Prevention of Corruption Act on the statement of Ashok Kumar son of Sh. Charanjit Lal resident of ward no. 2, Ghumayar Basti, Patran, Tehsil Patran, District Patiala against Surinder Behniwal, Incharge, Prenatal Diagnostic Test, Chief Medical Officer, Sirsa (Haryana) only. The complainant stated that the abovesaid Surinder Behniwal is demanding bribe of 70,000 Rupees*

for not raiding him under the provisions of the P.N.D.T. Act "Pre-Conception and Pre- Natal Diagnostic Techniques Act, 1994" as the complainant is B.A.M.S "Bachelor of Ayurvedic Medicine and Surgery" degree holder and is practicing at Nirankari Bhawan, near Mahaveer Hospital, Patiala road, Patran. Thereafter, after completing the necessary formalities, the answering deponent alongwith the complainant, shadow witness, government witnesses and raiding party reached at the spot and laid a trap where accused Surinder Singh Behniwal (against whom FIR had been registered) along with his 3 other accomplices i.e. Deepak Goyal (present petitioner), Gurjit Singh and Raj Singh, were caught red handed taking bribe of 70,000 rupees out of which 20,000 rupees were recovered from Raj Singh and the remaining 50,000 rupees were lying on the table around whice they all were sitting. The hands of the accused Surinder Singh Behniwal along with his 3 other accomplices were washed in the separate colourless mixture of Sodium Carbonate powder and water. Thereafter, the colour of the solution had changed from colourless to light pink. Hence, Deepak Goyal (present petitioner), Gurjeet Singh and Raj Singh were nominated as accused in the said FIR and all the four accused were caught red handed and subsequently arrested at the spot including the present petitioner. The FSL report regarding the presence of Phenolphthalein in the said solution is awaited. It is pertinent to mention here that all the abovesaid accused had used Grand i10 car bearing number PB-50B-1818 to reach at the spot to collect the bribe money, and the same is registered in the name of Ekta Rani wife of the present petitioner i.e Deepak Goyal.

b) *It is pertinent to mention here that the appropriate authority to get the raid conducted under provisions of P.C & P.N.D.T Act was Civil Surgeon Bathinda and the names of accused Deepak Goyal (present petitioner), Surinder Singh and Gurjit Singh were not included in the raiding team formed vide order No. NHM/PNDT/2024/369 dated 08.07.2024 by Civil Surgeon Bathinda. Apart from this, it has also surfaced during investigation from the statement of Doctor Sukhjinder Singh Gill posted as District Family Welfare Officer, Bathinda that no letter has been written by the Chairman District Appropriate Authority-cum-Civil Surgeon Bathinda to the Civil Surgeon Sirsa in order to get cooperation in this raid."*

4. 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.

5. The State’s counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. **Petitioner's vested Interest :**

It is respectfully submitted that the complainant of the present FIR i.e. Ashok Kumar is a B.A.M.S "Bachelor of Ayurvedic Medicine and Surgery" degree holder and is practicing at Nirankari Bhawan, near Mahaveer Hospital, Patiala road, Patran and the co-accused of the present petitioner i.e. Surinder Behniwal had demanded a bribe of 70,000 Rupees for not raiding him under the provisions of the P.N.D.T. Act "Pre-Conception and Pre-Natal Diagnostic Techniques Act. Therefore, the petitioner along with his other three accomplices came to the spot in his own car Grand i10, in order to collect the bribe money, where they were caught red handed. Therefore, it is clear from the above stated facts that the present petitioner and his 3 other accomplices had come to collect the bribe money in collusion with the main accused Surinder Behniwal, who had demanded bribe/ protection money from the complainant.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per the bail petition, the petitioner has been in custody since 09-07-2024. Per the custody certificate dated 05-09-2024, the petitioner’s total custody in this FIR is One month and twenty-one days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
8. 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.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
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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)	

11. This order is subject to the petitioner’s complying with the following terms.

12. 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.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. 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.

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

(ANOOP CHITKARA)
JUDGE

18.09.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.