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203 (5th case)

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

**CRM-M-46256-2023 (O&M)
Date of decision: 03.09.2024**

Sachin Mehta

...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.

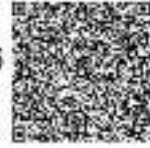
Mr. Deepinder Singh Brar, Sr. D.A.G., Punjab
for the respondent.

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 with the allegations that petitioner,

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being supplier of Tree Guards, took financial benefits & favours from main accused-Sangat Singh Gilzian, former Forest Minister, Punjab and was part of the racket.

(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 15.09.2023 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 15.09.2023 and the order reads as under:-

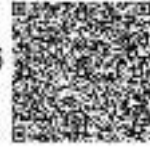
“Inter alia contends that although, several allegations have been levelled against various co-accused but the only allegation against the petitioner as per the FIR is with respect to purchase of tree guards regarding which it has been alleged by Harmohinder Singh @ Hummy that during the tenure of Sangat Singh Gilzian, Ex-Forest Minister, the Department had purchased tree guards for the maintenance of plants and for the same, Sangat Singh Gilzian, had called all the DFOs of Punjab for a meeting and had told them that whatever tree guards have to be purchased, they should be purchased from the present petitioner and that the price of the same was fixed at Rs.2800/- per tree guard, out of which Rs.800/- per tree guard was taken

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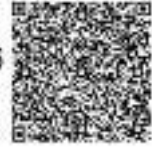
by the Minister and a total quantity of 80,000 tree guards were purchased in the State of Punjab. It is submitted that during the investigation, the Vigilance Bureau had found the said facts to be incorrect, since the present petitioner was neither involved in the business of manufacturing tree guards nor was found to have supplied tree guards to the Forest Department and in fact, it was one Nitin Bansal (co-accused) who was the person who had supplied 1449 tree guards to the Forest Department being owner of M/s Mehtab Shanti Enterprises and the said Nitin Bansal was arrested on 06.07.2022 and on the basis of his disclosure statement, Binder Singh, being his associate, was arrested on 15.07.2022 and the said Binder Singh has been granted the concession of regular bail on 21.10.2022 by a Coordinate Bench of this Court. It is further submitted that Harmohinder Singh @ Hummy, on whose statement the present FIR has been registered, in his supplementary statement dated 13.06.2022 as well as in his statement under Section 164 of Cr.P.C. recorded on 30.06.2022, has not named the present petitioner to be the person connected with the supply of tree guards in any manner. It is contended that no iota of evidence was found against the petitioner during the entire investigation with regard to any benefit received or role played by the petitioner for the allotment of contract for supply of tree guards to Nitin Bansal and regarding the same, nothing has come out in the first challan dated 06.08.2022, second supplementary challan dated 04.10.2022 or the third supplementary challan dated 24.12.2022. It is further contended that the only reference with regard to the petitioner comes in the disclosure statement of Binder Singh, in which it was stated that some amount was paid to Daljit Singh Gilzian and the present petitioner but however, no bank transaction was shown with regard to any money having been transferred in any bank account of the petitioner during the entire investigation in order to connect the petitioner with Nitin Bansal or Binder Singh. It is argued that in

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the bail order dated 05.09.2022 of Daljit Singh Gilzian, the stand of the Vigilance Bureau as per their status report filed in the form of affidavit, more so in para 22, is to the effect that the present petitioner has not supplied any tree guards at any point of time and the said fact stands proved. It is further argued that now a new story has been hatched by the prosecution to the effect that Nitin Bansal, who supplied the tree guards to the Forest Department after approval from the Steering Committee headed by the Chief Secretary, Punjab, which also includes two officers of Central Government, was approved in April 2021 much prior to Sangat Singh Gilzian assuming office as Forest Minister on 05.09.2021 and thus, the entire story of the tree guards having been purchased by the DFOs on the asking of the Minister stands falsified and it is on account of the said reason that the number of tree guards which were initially stated to be 80,000 in the FIR are now stated to be 1449 in the three reports filed under Sections 173 and 173(2) of Cr.P.C. It is also submitted that during the investigation, multiple DFOs were called and their statements under Section 161 Cr.P.C. had been recorded. It is also contended that even in the statement of DFOs under Section 161 Cr.P.C., the petitioner is stated to be not been involved in the process of supplying tree guards. It is submitted that the petitioner had worked in the private Banking Sector for 17 years and from 2015 to 2021 had worked as a Senior Relationship Manager at IndusInd Bank and was only professionally advising Vipul Sehgal and was in touch with him over the phone and said Vipul Sehgal had also filed petition seeking anticipatory bail in which this Court was pleased to issue notice of motion and grant interim protection to him. It is also submitted that Sangat Singh Gilzian has been granted the concession of ad interim anticipatory bail by a Coordinate Bench of this Court vide order dated 15/5/23 passed in CRM-M-30346- 2022 and the said case is now listed for 28.09.2023. It is further contended that even Amit Chauhan has been granted the

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concession of interim bail by a Coordinate Bench of this Court vide order dated 15.05.2023 passed in CRMM-10061-2023. It is additionally contended that the present petitioner is not involved in any other criminal case.

Notice of motion for 28.09.2023.

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 along with CRM-M-30346-2022.

The grant of interim protection shall not be construed to be an opinion on merits of the case and would not create any equitable consideration in favour of the petitioner at the time of deciding the present petition on merits.”

(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).”

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(8) As already noticed, it is acknowledged by learned State Counsel on instructions that in pursuance of the order dated 15.09.2023, petitioner has joined investigation and his custodial interrogation is not required.

(9) In view of the above, present petition is allowed; interim order dated 15.09.2023 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.

(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