



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

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CRM-M-51352-2024

Date of decision: 13.11.2024

Anurag Batra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate,
Ms. G.K. Mann, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Nikhil Thamman, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.08 dated 19.04.2023 under Sections 120-B of the IPC and Section 13(1)(B) read with Section 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, District Ludhiana.

2. Learned senior counsel for the petitioner contend that the petitioner, who is a 60 year old man, is neither a public servant nor involved in any public functions; he has been falsely implicated in the instant case registered for offences under the PC Act without there being any allegations levelled against him in the FIR in question, which has been annexed as Annexure P-1. In support, learned senior counsel



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have drawn the attention of this Court to the FIR in question.

3. It has been further submitted by learned senior counsel for the petitioner that in the circumstances, the petitioner cannot be held liable for offences under Section 13(1)(B) read with Section 13(2) of the PC Act.

4. It has been further submitted by learned senior counsel for the petitioner that the firm of the petitioner is a distributor of pharmaceutical/medical products, representing various companies and securing orders from health institutions throughout the State of Haryana. To manage his business efficiently, the firm of the petitioner employs numerous commission-based agents who obtain orders from various health units in the State of Haryana. It has been argued by learned senior counsel that co-accused Rachna Singla, wife of co-accused Rakesh Kumar Singla, had been similarly hired on commission basis as a consultant for ESI, Haryana since the year 2012. In support, attention of this Court has been drawn to letter dated 01.06.2012 annexed as Annexure P-6.

5. In addition, learned senior counsel have drawn the attention of this Court to various invoices, appointment letters and copies of TDS deductions annexed with the petition. It has been submitted that all the payments made to co-accused Rachna Singla by the petitioner were through documented bank transactions, with TDS deductions duly applied to her commissions. It has also been contended that a perusal of the balance sheet of the petitioner's firm, annexed as Annexure P-18, shows that from the year 2012 to 2024, lakhs of rupees



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had been disbursed in commissions not to only co-accused Rachna Singla, but to various other individuals also. Hence, there was no question of any collusion or criminal conspiracy between the petitioner and co-accused Rachna Singla as was being alleged by the prosecution.

6. It has still further been argued by the learned senior counsel that the firm of the petitioner does not conduct any business within the State of Punjab, eliminating any possibility of benefitting from an association with co-accused Rakesh Kumar Singla, who admittedly was employed with the Government of Punjab.

7. A prayer has, therefore, been made by learned senior counsel that in the aforementioned facts and circumstances, moreso when the petitioner has been in judicial custody since 18.09.2024, and is not involved in any other criminal case, he be extended the concession of bail. Learned senior counsel submit that the petitioner be put to any stringent conditions while being enlarged on bail.

8. On the last date of hearing, learned State counsel had prayed for a short adjournment to make submissions.

9. Status report by way of affidavit of Arminder Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Range-1, Ludhiana, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

10. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Kulwant Singh, Vigilance Bureau, Ludhiana, has argued that



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co-accused Rakesh Kumar Singla, as a public servant, misused his official position to amass wealth by illegally acquiring properties beyond his known-sources of income; the properties acquired by co-accused Rakesh Kumar Singla were not only in his own name but also in the name of his wife co-accused Rachna Singla, who have both been since declared proclaimed offenders. It has been further submitted that the properties had been illegally obtained by both the above co-accused under *Benami* holdings also.

11. It has been argued by the learned State counsel that the petitioner, therefore, conspired with the co-accused by helping in laundering the illicit money accumulated by co-accused Rakesh Kumar Singla; the petitioner received the unaccounted money of co-accused Rakesh Kumar Singla and channeled it through the bank account of his firm into the account of co-accused Rachna Singla, creating an impression of legitimate transactions. Thus, the petitioner directly aided in conversion of black money into legitimate funds by fabricating a paper-trail with documentation to provide an appearance of legality and evade suspicion.

12. Learned State counsel has prayed for dismissal of the instant petition as there is a strong likelihood that in case the petitioner is extended the concession of bail, he too may abscond like both the co-accused.

13. On a pointed query put to the learned State counsel, he, on instructions has not disputed that the petitioner is not involved in any other criminal case, much less a case of similar nature. Learned State



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counsel on further instructions has, however, submitted that the investigation is nearing conclusion and the challan against the petitioner is expected to be filed shortly.

14. I have heard learned counsel for the parties and perused the relevant material on record.

15. Admittedly, the case of the prosecution is based solely on documentary evidence, which is now in the possession of the investigating agency, thereby ruling out the possibility of any tampering. Furthermore, the petitioner would no longer be required for investigation as he is already in judicial custody ever since 18.09.2024. Learned State counsel has not disputed that the petitioner has no previous criminal antecedents, let alone of a similar nature. Additionally, whether the disputed payments were made in exchange for services rendered by co-accused Rachna Singla, or otherwise, is a matter to be adjudicated upon during trial when both the parties would present their respective evidence.

16. Given the unlikelihood of the trial concluding in the near future, further incarceration of the petitioner, who is 60 year old man, would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

17. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned subject to the following conditions:-



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- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Trial Court on each and every date fixed for hearing of the case.
- (iii) The petitioner shall not absent himself or seek unnecessary adjournments from the Court proceedings.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered).
- (v) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.
- (vi) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

18. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.11.2024

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(MANJARI NEHRU KAUL)
JUDGE

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