

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58464-2023 (O&M)
Reserved on: 19.03.2024
Pronounced on: 20.03.2024
2024:PHHC: 040198

PARMATMA SHARAN TIWARI

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Argued by: -Mr. Rajesh Bansal, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J.

Petitioner prays for his release on regular bail, by way of this petition filed under Section 439 CrPC, in a case arising out of FIR No.1032 dated 30.11.2022, registered at Police Samalkha, District Panipat under Sections 420/384/389/120B IPC.

2. Status report by way of affidavit dated 20.02.2024 of Shri Krishan Kumar, HPS, Deputy Superintendent of Police, CAW, Panipat on behalf of the respondent-State has already been filed.

3.1 FIR was lodged on the basis of complaint dated 30.11.2022 made by one Sanjay Kumar, as per which one of his business partner Nishu s/o Rajbir was involved in case FIR No.366/2021 registered at Police Station Rajender Park, Gurugram. To get the name of said Nishu deleted from the case, complainant contacted one Dr. Sunil Kumar Shukla (co-accused), who met the complainant along with Nishu and another partner Amit. Said Sunil Shukla introduced P.S. Tiwari (present petitioner) as ED Commissioner.

Dr.Sunil Kumar Shukla demanded ₹22 lakh for getting the name of Nishu deleted from the FIR. ₹15 lakh was given at the clinic of Dr. Sunil Kumar Shukla, who handed over the same to his brother. Another amount of ₹4 lakh was given to the nephew of Dr. Sunil Kumar Shukla on 06.11.2021 after withdrawing from the bank. Thereafter, Dr. Sunil Kumar Shukla gave the number of P.S. Tiwari (petitioner herein), in order to talk to the higher officers for getting the name of Nishu deleted from the FIR. Amount of ₹2 lakh was given to the petitioner on the asking of Dr. Sunil Kumar Shukla and another amount of ₹1 lakh was deposited in the account of wife of the petitioner. One iPhone was given to Dr. Sunil Kumar Shukla on the pretext that same was to be given to the higher officer. Later on, when Nishu went to the Police Station, he was arrested. Complainant confronted Dr. Sunil Kumar Shukla and demanded back his ₹22 lakh and iPhone, but he threatened the complainant, stating that petitioner was a powerful person and he could get him involved in other cases.

3.2 During investigation, complainant handed over a video footage showing the conversation between complainant and co-accused Dr. Sunil Kumar Shukla. Receipt of ₹1 lakh, which was deposited in the account of wife of the petitioner, was also produced. Co-accused Dr. Sunil Kumar Shukla was arrested on 01.12.2022 and in his disclosure statement, he admitted to have received the amount and that he had handed over ₹8 lakh and iPhone to the petitioner. After completion of investigation, final report under Section 173 CrPC was filed against co-accused Dr. Sunil Kumar Shukla. Later on, petitioner was arrested on 06.10.2023 and on interrogation, he admitted his role and suffered disclosure statement. He also got recovered the amount of ₹2 lakh from his flat in Ghaziabad. Final report under Section

173(8) CrPC has already been filed. Charges have been framed by the trial Court concerned and the case is at the stage of prosecution evidence.

4. It is contended by ld. counsel that petitioner has been falsely implicated; that main accused Dr. Sunil Kumar Shukla has already been allowed bail by the Court of ld. Additional Sessions Judge, Panipat vide order dated 01.04.2023 (Annexure P2) and that bail of the petitioner was rejected on account of lesser custody period. Ld. counsel has also drawn attention towards the medical condition of the petitioner, due to which, this Court had earlier given the benefit of interim bail to him vide order dated 25.01.2024. Prayer is made for granting regular bail submitting that trial may take time to conclude.

5. Ld. State counsel has opposed the bail petition by pointing out towards the role attributed to the petitioner in the crime. It is also submitted that an amount of ₹1 lakh was deposited in the account of the wife of the petitioner on the asking of the petitioner and besides this, an amount of ₹2 lakh was recovered from him. However, ld. State counsel concedes the fact that co-accused Dr. Sunil Kumar Shukla, who is the main accused as per the FIR, has already been granted bail by the trial Court.

6. I have considered submission of both the side and have appraised the record.

7. Investigation is already complete. There are 19 witnesses cited by the prosecution and none has been examined so far as per the status report. Case is triable by the Magistrate. Co-accused Dr. Sunil Kumar Shukla, with whom the entire conversation of the complainant took place, has already been allowed bail by the Court of ld. ASJ, Panipat vide order

Annexure P2. Petitioner is presently on interim bail due to his medical condition. No purpose shall be served by sending the petitioner behind bar on account of his medical condition. Trial is likely to take long time to conclude.

8. Having regard to the above facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing fresh requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, by observing usual terms and conditions.

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

20.03.2024
Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
No