



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60512-2024
DECIDED ON: 03.12.2024

PRAVEEN KUMAR TIWARI
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0020, dated 29.10.2024, under Sections 120-B, 201, 203, 406, 420, 467, 468, 471 IPC, registered at Police Station ACB Faridabad, District Anti Corruption Bureau Haryana.

2. Brief facts of the prosecution case are that inquiry no.6 dated 12.12.2022, Faridabad in compliance with the order no.49/105/2022-4 Ch(1) dated 8.12.2022 of the office of Chief Secretary, Govt. of Haryana, Vigilance Department, Faridabad as per endorsement no.19462/1-2 SVB(H) dated 13.12.2022 of the office of Director General, State Vigilance Bureau (H), Panchkula was received for investigation. According to the complaint received from Man Singh Bhati son of Raj Singh, resident of House no.888,

Gali no.1, New Baselwa Colony, Old Faridabad the following allegations were to be investigated:-

“Allegation no.1. A Heart Centre was started in B.K. Hospital, Faridabad in the year 2018, in order to provide affordable treatment for heart diseases to the general public in Government Hospitals. The tender for opening a Heart Centre under the PPP model scheme was given to Meditrina Hospitals Pvt. Ltd. Kollam, Kerala in the year 2017. Under that scheme, a contract was made between the Haryana Government and Meditrina Hospitals Pvt. Ltd., according to which a Heart Centre was started by the above company in B.K. Hospital, Faridabad from the year 2018, According to that contract, the bills of Ayushman Bharat card holders, Haryana government employees, Scheduled Castes, BPL card holders etc. were to be paid by the Government Hospital but the above company did not do so and charged the amounts of the bills from them individually (which were under the free category). The company made the patients to pay the bill in cash and also took payment for the same from the Government Hospital. In this regard, a list of 4 BPL card holders and 3 Ayushman Bharat card holders had been given, who had paid cash for their treatment to the said company and the company had also taken payment for the same from the Government Hospital.

Allegation no.2. It had also been observed that the doctors of this company were re-using Puncture Needles, Balloon, Wire, Catheter, ROTA, Thrombus-Aspiration Catheter and other equipments many times, whereas according to clause no.5.1.5 of page no.12 of the contract, all the equipments used should have been new and not old. The list of 39 patients in whose treatment old equipments and articles were used, was enclosed. According to the guidelines of the Medical Council of India and the World Health Organization, old wire, balloon and other equipments should not be used in the treatment of cardiac patients (CAG & PTC). That poses a serious threat to the

patient's life. Due to this, 100 deaths had occurred in the Heart Centre, General Hospital, Faridabad since February 2018. Apart from that, it had also been found that the bills issued by the company were higher than the rates approved by the Government. In this way, Meditrina Hospital along with the Principal Medical Officer of General Hospital and their employees were causing huge losses to the Haryana Government and creating a huge threat to the health of the people. According to the contract, heart patients were to be treated at the Meditrina Centre and as per the rate list issued by the Government and apart from this, patients belonging to exempted categories (BPL, Scheduled Caste, Ayushman Bharat or on-duty employees of Haryana Government) were to be treated free of cost by the Meditrina Heart Centre and the bills for the amount spent on their treatment were to be prepared and submitted monthly to the Chief Medical Officer's office, B.K. Hospital, Faridabad for payment, on which the payment was to be made from the Government account after checking the bills by the checking committee formed in the PMO office. In the year 2018, according to contract, Meditrina Heart Centre was found to have started treatment for heart related patients on the third floor in NIT, Faridabad. During investigation, it was found that Meditrina Heart Centre had got the bills paid from the PMO office by showing expenditure of Rs. 13,29,490/- on the treatment of 4 disputed BPL card holders of the exempted category namely Bhopal Yadav, Kaushalya Devi, Aashu and Zikru Rehman and 3 Ayushman Bharat card holders namely Vinod Kumar, Ramesh Chand and Siyaram. Apart from the above payment amount, cash amount of Rs.2,57,260.50 was also found to be received from the above 7 patients during the treatment whereas all the above patients belonged to the exempted category and the above patients were entitled to get free treatment in the exempted category earlier but despite that, it was found that Meditrina Heart Centre was treating these

patients by taking cash amounts during the second treatment. Besides, during investigation, payment related documents for treatment of 39 patients found to be sent to PMO office for the year 2018-19 and payment of Rs.34,45,672.20 was found to be made. During investigation, when Cath Lab register/records were asked from Meditrina Heart Centre to examine the equipments used by Meditrina Heart Centre during the treatment of above mentioned 39 exempted patients; only 4 registers pertaining to the part of the period 2019-2020 were made available and it was told that no other records was available. On observation of these 4 registers and as per the statement of Naresh Kumar, the then Cath Lab Incharge, Meditrina Heart Centre, Faridabad, the details related to treatment of cardiac patients were found to be recorded in the Cath Lab register. As per the details of the items used on the patients during treatment were also found- 'O' was written in front of the names of patients in whose treatment/procedure, old items were used and 'N' was written in front of the heart patients for whom new items were used. During investigation, as per the above observation and the recovered Cath Lab register of Meditrina Heart Centre and the bills received from the PMO office, concrete evidence had been obtained about Meditrina Heart Centre using old/reused items in the treatment of 8 patients out of 39 disputed patients who were under exempted categories. It was clear from this that Meditrina Heart Centre had used old/reused items in the treatment of 8 patients. Therefore, from the statements recorded during the investigation, documents obtained and investigation conducted, it had been found that Meditrina Heart Centre had wrongly received Rs.8,38,081/- from the treasury of Haryana Government by showing use of new equipments/items in the treatment of 8 heart patients out of 39 heart patients mentioned in the allegations whereas, it had been found that old/reused equipment/items worth Rs.4,17,768/- were used in the treatment

of the patients mentioned in those bills. By doing so, Meditrina Heart Centre had caused huge loss to the Haryana Government. On these allegations, present FIR was registered. The applicant-accused, who is one of the accused, is the Chief Operating Officer (COO), North India of Meditrina Heart Centre. Investigation in this case is in progress.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner had joined the services in the year 2016 and acted as Senior Finance Manager with responsibility in finance, accounts etc. and held the said post till 17.09.2018 when he resigned from the said post. The allegations do pertain against the management of the Meditrina Hospital including the present petitioner ranging from 01.01.2018 till 04.03.2019 as has been asserted on behalf of the petitioner though Mr. Gautam Dutt, Advocate would submit that it is the centre head who manages each facility independently being solely responsible for patient billing, patient procurement, daily roster of employees, budgeting, treatment, supervising doctors and submitting invoices as well as collection of money from the Government, which has no relevancy to the nature of job assigned to the petitioner. Even thereafter had there been any such allegations of mismanagement and committing of offence by the petitioner as has been alleged in the instant FIR he would not have again be contacted by the hospital for his second term appointment as Chief Operating Officer, North India from 10.08.2020 upto 06.07.2023. He would submit that Meditrina Hospital has a long chain throughout the country and he has been on travelling assignments to manage all the institutes but has no role directly or indirectly in the billing

of patients, patient procurement, daily roster of employees, budgeting, treatment etc except supervising the doctors and their job.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from Inspector ACB Faridabad Shoran Lal submits that for examination and to proceed in the investigation certain record of Meditrina Hospital is required which is in possession of the petitioner and the same is not being made available and on that account, he seeks dismissal of the instant petition asserting for custodial interrogation of the petitioner.

4. **Analysis**

Be that as it may, having regard to the submissions made hereinabove wherein the learned State counsel could not controvert the nature of duties assigned to the present petitioner and the procedure for billing of patients and charging of fee wherein the hospital was supposed not to charge the patients who were carrying Ayushman Bharat Card having entered into concessional agreement dated 23.05.2017 (Annexure P-5).

Mr. Gautam Dutt, learned counsel for the petitioner undertakes that the petitioner will join the investigation within a period of one week from today and to duly cooperate with the Investigating Agency who further submits that the documents/record which the investigating officer is asking for and on the basis of which the trial Court declined his anticipatory bail is not in his possession which pertains to the hospital alone and the same can be collected from the said institute itself by the police authorities.

In the light of above, I do not find any justifiable reasons considering the nature of duties assigned to the petitioner as has been

detailed in para 8 of the present petition continuing upto 8.2 to disagree with the petitioner.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

It has been further made clear that the investigating agency shall be at liberty to seize the record of the Company/Hospital pertaining to the disputed period ranging from 01.01.2018 to 04.03.2019.

In the aforesaid terms, the present petition stands allowed.

03.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No