

2025:PHHC:037442



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

CRM M-2691 of 2025

Date of Decision: 27.02.2025

Naresh Kumar Verma

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amit Choudhary, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Narender Kaajla, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita with a prayer to grant anticipatory bail to him in case FIR No.21 dated 12.08.2023 registered under Section 7 of the Prevention of Corruption Act, 1988 at Police Station ACB Hisar, District Hisar, Anti Corruption Bureau, Haryana.

2. The FIR in the present case was registered on the basis of the statement made by Dr. Sahil and the same has been reproduced below:-

*“To,
Superintendent of Police,
Anti-Corruption Bureau,
Hisar Division, Hisar.
Sir.*

It is requested that I am Sahil s/o Suresh Kumar proprietor and resident of Shri Balaji Hospital, Uttam Nagar, Hansi. I obtained my MBBS doctor's degree in the year 2018. After that I served in different hospitals and in the year 2021 I opened my hospital in the name of Shri Balaji in Uttam Nagar, Hansi, in which I, my wife Dr. Somika and Dr. Kiran are serving. On 22.07.2023, a patient named Poonam w/o Suresh, came to our hospital and was already having labour pain and it was necessary to treat her. Her delivery was done by Dr. Kiran and Dr. Somika. The baby was born in 24 weeks. After the birth of the baby, the father of the child, Suresh, was asked to refer the child to Children's Hospital in Hisar. Suresh did not take the child. After some time the child died.

On 29.07.2023 at around 4:30 pm, a team of PNDT headed by Dr. Prabhu Dayal arrived. Dr. Kamid Manga and Dr. Vikram Gorla were also in that team alongwith others. Dr. Prabhu Dayal told me that this team has been formed by CMO Hisar. After that Dr. Prabhu Dayal told me that on 22.07.2023 we raided Manu Memorial Hospital Hansi and on the same day a patient named Poonam was given MTP Kit there. After that Poonam patient came to Shri Balaji Hospital. After that her abortion was done in your hospital. A case will be registered against you. I told him in my defense that

when the patient came here, she was in labour pain and we handled an emergency and I have all the records of it. When Poonam came to our hospital, she had pain in her stomach and the water bag had leaked, due to which the patient and the child were in danger. On the basis of emergency and humanity, we had informed them about the danger before starting her treatment and Suresh has given his written consent with his own hand. On 22.07.2023 at around 3 pm, an alive girl was born through normal delivery, whom we handed over to the family members.

Dr. Prabhu Dayal told me that we will file an FIR against you, on this I met CMO Hisar Dr. Naresh Verma and told him the whole story regarding our innocence. I told him that my wife is nine months' pregnant. She has had two miscarriages before and we are already mentally disturbed. I request you to save us from this torture. On this Dr. Naresh Verma said that I have done a thorough investigation and if you want to avoid this trouble then you will have to pay 10 lakh rupees. Then I requested him that we are not at fault. We cannot pay such a huge amount. On this Dr. Naresh Verma said that you are not guilty but I will have to pay some money to these two doctors including Dr. Prabhu Dayal and Dr. Kamid Monga and I have to get my son admitted in MBBS. On my request, CMO Naresh Verma said to me that give me 5 lakh rupees now, the rest will be seen later. To save my wife and my family from this trouble, I gave 5 lakh rupees to Dr. Naresh Verma in room number 4 of PWD Rest House, Matka Chowk, Hisar on 04.08.2023. After a few days, I felt that I was being

wronged, when it is not my fault, then why should I give this money.

To complain regarding this matter, I started recording my calls with CMO Naresh and was successful in recording three of our calls. I sent this recording to my lawyer on WhatsApp on 07.08.2023. CMO Dr. Naresh Verma got the wind of it. He immediately filed a case against me, my wife Somika and Dr. Kiran in City Police Station, Hansi.

I request you that Dr. Naresh Verma CMO Hisar has taken a bribe of 5 lakh rupees from me. Strictest action under the Anti-Corruption Act should be taken against this corrupt officer for taking bribe so that we can get justice.

Today at Police Station:- On the above complaint, Case No. 21 dated 12.08.2023 under section 7 PC Act has been registered at Anti-Corruption Bureau Police Station, Hisar and the copy along with the original article is being sent to Mr. Aryan Chaudhary, Deputy Superintendent of Police, Anti-Corruption Bureau, Hisar for investigation. Special report of the copied First Information Report is being sent to the Illaqa Magistrate, Hisar and Superintendent of Police, Hansi through e-mail”.

3. Learned counsel for the petitioner contends that in fact the present FIR (Annexure P-1) is a counter blast to FIR No. 580 dated 09.08.2023 under Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act 1971, Sections 18(a) & 18(c) of the Drugs and Cosmetics Act 1940 and Sections 120-B, 34 and 420 of

IPC 1860 Police Station Hansi, which was lodged against the present complainant. Even otherwise, the FIR was got registered by the complainant, just to tarnish the reputation of the present petitioner. Even, no bribe amount was recovered from the petitioner nor there was any credible evidence to corroborate the allegations levelled against the present petitioner. In fact, as per the complainant, the bribe amount was allegedly paid to the petitioner on 04.08.2023, however, the FIR in the present case has been got registered by him on 12.08.2023. It is also on record that one FIR (Annexure P-2) was registered against the complainant and his wife on 09.08.2023 at the behest of Dr. Prabhu Dayal, Nodal Officer, under the PC and PNDT Act. Still further, even the prosecution had wrongly placed reliance on the alleged telephonic conversation between the petitioner and the complainant because the voice samples of the petitioner were taken and sent to the FSL for verification. As per the FSL report, the voice in the telephonic conversation could be the probable voice of the petitioner and the said evidence could not have been relied upon by the police. Learned counsel further submits that it has been falsely alleged that the petitioner had visited the Room No. 4 at PWD Rest House, where the alleged bribe money was handed over to the petitioner. In fact, it is apparent from the register of PWD Rest House that the petitioner had never visited or stayed in room No. 4 on the dates mentioned in the FIR. Learned counsel has further referred to the departmental inquiry (Annexure P-5) to contend that during the

course of departmental inquiry, the statement of the complainant was recorded, wherein, he stated that he had made the payment of Rs.5,00,000/- in two installments to the petitioner. Even, the complainant could not disclose the facts correctly to the Inquiry Committee. Thus, the petition deserves to be allowed by this Court.

4. On the other hand, detailed replies have been filed by the State of Haryana as well as the complainant in the present case. Learned State counsel assisted by the learned counsel for the complainant have relied upon the recording of conversation between the petitioner and the complainant. Even, the transcript of the said conversation has been annexed as Annexure C-1 and the statement of the complainant under Section 164 Cr.P.C. has been recorded as Annexure C-2. In the conversation recorded by the complainant, it is clear that the present petitioner had demanded the bribe from the present petitioner. Even, the voice sample of the petitioner and the complainant were taken and the samples were sent to FSL Madhuban for matching of the voice samples. The FSL report (Annexure R-1) clearly proved that the voice of the petitioner had matched with the recorded conversation and the petition deserves to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record carefully.

6. In the matter of ***Manoj Narula v. Union of India, (2014) 9 SCC 1***, the Hon'ble Supreme Court held that corruption erodes the fundamental tenets of the rule of law and quoted the law laid down in the judgment of ***Niranjan Hemchandra Sashittal v. State of Maharashtra, (2013) 4 SCC 642*** and held as under:-

“16.....‘26. It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance.”

(Emphasis supplied)

7. In ***Subramanian Swamy v. Director, Central Bureau of Investigation, (2014) 8 SCC 682***, the Hon'ble Apex Court observed as under:-

“17 Recently, in ***Subramanian Swamy v. CBI (2014) 8 SCC 682***, the Constitution Bench, speaking through R.M. Lodha, C.J., while declaring Section 6-A of the Delhi Special Police Establishment Act, 1946, which was inserted by Act 45 of 2003, as unconstitutional, has opined that : (SCC pp. 725-26, para 59)

“59. It seems to us that classification which is made in Section 6-A on the basis of status in the government service is not permissible under Article 14 as it defeats the purpose of finding prima facie truth into the

allegations of graft, which amount to an offence under the PC Act, 1988. Can there be sound differentiation between corrupt public servants based on their status? Surely not, because irrespective of their status or position, corrupt public servants are corrupters of public power. The corrupt public servants, whether high or low, are birds of the same feather and must be confronted with the process of investigation and inquiry equally. Based on the position or status in service, no distinction can be made between public servants against whom there are allegations amounting to an offence under the PC Act, 1988.”

And thereafter, the larger Bench further said : (SCC p. 726, para 60) “60. Corruption is an enemy of the nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the PC Act, 1988. It is difficult to justify the classification which has been made in Section 6-A because the goal of law in the PC Act 1988 is to meet corruption cases with a very strong hand and all public servants are warned through such a legislative measure that corrupt public servants have to face very serious consequences.”

And again : (SCC pp. 730-31, paras 71-72)

“71. Office of public power cannot be the workshop of personal gain. The probity in public life is of great importance. How can two public servants against whom there are allegations of corruption of graft or bribe-taking or criminal misconduct under the PC Act, 1988 can be made to be treated differently because one happens to be a junior officer and the other, a senior decision maker.

72. Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision-making power does not segregate corrupt officers into two classes as they are common crime-doers and have to be tracked down by the same process of inquiry and investigation.”

18. From the aforesaid authorities, it is clear as noontday that corruption has the potentiality to destroy many a progressive aspect and it has acted as the formidable enemy of the nation.”

(Emphasis supplied)

8. Still further, in the matter of ***Neera Yadav v. Central Bureau of Investigation, (2017) 8 SCC 757***, the Hon’ble Supreme Court observed as under:

“59. Every country feels a constant longing for good governance, righteous use of power and transparency in administration. Corruption is no longer a moral issue as it is linked with the search of wholesome governance and the society's need for re-assurance that the system functions fairly, free from corruption and nepotism. Corruption has spread its tentacles almost on all the key areas of the State and it is an impediment to the growth of investment and development of the country. If the conduct of administrative authorities is righteous and duties are performed in good faith with the vigilance and

awareness that they are public trustees of people's rights, the issue of lack of accountability would themselves fade into insignificance.

60. To state the ubiquity of corruption, we may refer to the oft-quoted words of Kautilya, which reads as under:—

“Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money for themselves).

It is possible to mark the movements of birds flying high up in the sky; but not so is it possible to ascertain the movement of government servants of hidden purpose.”

[Ref: Kautilya's Arthasastra by R. Shamasastri, Second Edition, Page 77]

As pointed out by Paul H. Douglas in his book on “Ethics of Government”, “corruption was rife in British public life till a hundred years ago and in USA till the beginning of this century. Nor can it be claimed that it has been altogether eliminated anywhere.”

(Ref : Santhanam Committee Report, 1962 : Para 2.3).

61. Tackling corruption is going to be a priority task for the Government. The Government has been making constant efforts to deal with the problem of corruption. However, the constant legislative reforms and strict

judicial actions have still not been able to completely uproot the deeply rooted evil of corruption. This is the area where the Government needs to be seen taking unrelenting, stern and uncompromising steps. Leaders should think of introducing good and effective leadership at the helm of affairs; only then benefits of liberalization and various programmes, welfare schemes and programmes would reach the masses. Lack of awareness and supine attitude of the public has all along been found to be to the advantage of the corrupt. Due to the uncontrolled spread of consumerism and fall in moral values, corruption has taken deep roots in the society. What is needed is a reawakening and recommitment to the basic values of tradition rooted in ancient and external wisdom. Unless people rise against bribery and corruption, society can never be rid of this disease. The people can collectively put off this evil by resisting corruption by any person, howsoever high he or she may be.”

9. In the present case also, the present petitioner, who was working as Civil Surgeon, Hisar, at the relevant time, had demanded a sum of Rs.10,00,000/- from the complainant and had also accepted a sum of Rs. 5,00,000/- to save the complainant and his wife and other doctors from the proceedings under the Medical Termination of Pregnancy Act 1971. Still further, during the said process, the complainant had recorded the conversation in his mobile phone and now the FSL report, supporting the case of the complainant has been received. Consequently, in the present case, the custodial interrogation

of the petitioner would be required for the complete, qualitative and effective investigation. Apart from that, the allegations leveled against the present petitioner are quite serious and this Court feels it appropriate not to grant extra ordinary relief of anticipatory bail to the present petitioner.

10. Consequently, the present petition is ordered to be dismissed.

27.02.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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