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

CRM-M-39020-2025 (O&M)

Date of decision: 22.08.2025

Sanjay Kanwar

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Namit Gautam, Advocate
for the complainant.

N.S. SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.11 dated 14.04.2025 registered under Section 7 of the Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act, 2018, at Police Station Vigilance Bureau, District Ludhiana, Punjab.

2. As per the allegations levelled by the complainant, the present petitioner was working as a Superintending Engineer in Municipal Corporation, Ludhiana. It was alleged that the petitioner demanded 10% commission for allotment of the e-tender to the complainant and thereafter he negotiated the amount of commission and brought it down to 6%. The complainant alleged that the petitioner had demanded a sum of Rs. 80 lacs

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as commission for tendering him the work order, which was worth Rs. 9 crores. Later on, further negotiations were held between the complainant and the petitioner and the final amount was settled at Rs. 72 lacs and the complainant had allegedly recorded the conversation between him and the petitioner in the present case.

Learned senior counsel appearing on behalf of the petitioner vehemently argued that the petitioner has unblemished service record of almost 24 years and there was no complaint in the past against him. He further contends that even in the entire CWP No. 9826 of 2025, filed by the complainant, there was no allegation of demand of bribe by the present petitioner. Even a particular procedure has been prescribed under the Rules for grant of e-tenders for the works, which were to be allotted by the Municipal Corporation, Ludhiana. Learned senior counsel further submits that even the technical evaluation furnished by the bidders was opened by the technical evaluation committee and none of the participants were found eligible by the Committee and the same were uploaded on 19.03.2025. However, in the final bid, the competitor of the complainant i.e. JB & Co. was found to be successful bidder and due to the said grudge, a false case was planted on the present petitioner. He further contends that the petitioner was arrested in the present on 14.04.2025 and is in custody for the last more than four months. Learned senior counsel further submits that after completion of investigation, challan has already been presented against the petitioner on 13.06.2025 and out of 15 prosecution witnesses cited in the challan, no witness has been examined so far. He further contends that the petitioner is a government servant and there are no chances of fleeing from

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process of justice. Apart from that, there is no evidence to indicate that the petitioner is in a position to influence the complainant and the other witnesses of the prosecution. Learned senior counsel further submits that even sanction for prosecution has not been received in the present case and he has been wrongly arrested.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the conversation between the petitioner and the complainant was recorded and there was sufficient incriminating evidence against the petitioner in the shape of audio recording and other documentary evidence.

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

5. In the present case, the petitioner was arrested on 14.04.2025 and is stated to be in custody for the last more than four months. After completion of investigation, challan has already been presented against him and the prosecution has not been able to examine even a single witness so far. Even the prosecution is yet to lead its evidence before the trial Court to prove the involvement of the petitioner in the present crime.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any

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inducement, threat or promise to any person 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 Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves 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.
- (vii) 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.

22.08.2025*Satyawan***(N.S. SHEKHAWAT)
JUDGE*****Whether speaking/reasoned: Yes/No******Whether Reportable: Yes/No***