

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

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CRM-M-56665-2024***Date of decision: 19.05.2025***

Anil Narula

*.....Petitioner**Versus*

State of Punjab

*.....Respondent***CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Dhruv Trehan, Advocate for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.08 dated 20.09.2024 under Section 7 of Prevention of Corruption (Amendment) Act, 2018 registered at P.S. Vigilance Bureau, Ludhiana, Economic Offence Wing, District Ludhiana.

2. Learned senior counsel for the petitioner submits that the petitioner has been languishing in custody since 20.09.2024 and as on date, only challan stands presented, however, the trial has not proceeded. Further, as of now, no sanction has been accorded yet to prosecute the petitioner, who is a public servant. Learned counsel has submitted that it is a matter of record that it was almost six months prior to the filing of the incident petition that the prosecution had sought sanction from the concerned Authority, however, for reasons best known, no such sanction has been accorded till date and hence on this ground alone, the petitioner deserves to be extended the concession of bail. It has also been submitted that the



alleged recovery of tainted money was not effected from the conscious possession of the petitioner but was recovered from the file, which was lying in the office Almirah of the petitioner. In addition, learned senior counsel has submitted that as many as 23 prosecution witnesses have been cited and moreso when the charges are yet to be framed, possibility of the trial concluding in the near future look remote.

3. Per contra, learned State counsel, on instructions from ASI Suneet Bali, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that no sanction has been accorded yet to prosecute the petitioner by the Authorities concerned, even though as many as 04 reminders have been sent to the competent authority in the said regard. However, learned State counsel has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder: -

“Contents of the first information report: 1, Inspector, was present in Police station Vigilance Bureau, E.O. Wing. Ludhiana, Punjab. Then the complainant Sh.Major Singh son of Sh.Bhagwan Singh, resident of H.No. 7588-A, street No.03, New Amar Nagar, Police station Daba, Ludhiana came to and got his statement recorded that "I am the resident of the above address. I am doing the business of property dealing for the last 10-15 years. My known Harjinder Singh had got the land measuring 90 yards registered in his name in the year 1999. Due to the illness of Harjinder Singh, for looking after this land, he has got an general power of attorney registered in my name. With regard to the mutation of the above land, I visited Patwarkhana Revenue, Circle Jassian and met Anil Narula, Patwari Circle Jassian for enquiring about the mutation of the said land. Upon making request by me, he checked the record of the said land. Upon checking the record, it came to know that the mutation of the said land is not registered in the name of Harjinder Singh. Thereupon, upon seeking the record of 30 years of the said land from the patwari, the Patwari told that the fees of this record would be Rs.25,000/- to Rs.30,000/- at the rate of Rs.800/- per year. Upon raising objection by me about the fees having been in excess, the



Patwari did not reduce the amount of bribe and said that from this, the share is to be gone to Tehsildar. because the mutation is to be sanctioned by the Tehsildar. I enquired that for obtaining the record of 30 years, the government fee is very less. From this, it reveals that Anil Narula, Patwari, Revenue Circle, Jassian is demanding bribe for providing 30 years record and for getting the mutation sanctioned. I had made the recording of the conversation on the recorder of my phone about demanding the bribe by Anil Narula, Patwari, Revenue Circle, Jassian for providing 30 years record and for getting the mutation sanctioned. I got this recording downloaded in the pen drive from my friend and has got its transcript prepared from him. I do not want to get the work done by giving bribe. Thus, I produce the pen drive of the recording of the conversation with the said Patwari regarding bribe, its transcript and 50 notes of Indian currency of the denomination of Rs.500/- to be given as bribe to the said Patwari, to you. Action be taken. Action by police: Today 1, Inspector, was present in the Office of Vigilance Bureau, Economic Offences Wing, Ludhiana, Punjab. Then Sh. Major Singh son of Sh.Bhagwan Singh, complainant came and got his above statement recorded. After taking out its print, his statement was read over to him. Upon reading his statement, he admitted it to be correct and put his signatures in Punjabi beneath his statement, which were attested by me. Then the government witness Sh.Tarun Gupta, Agriculture Extension Officer, Circle Pawat, Block Machhiwara Sahib, District Ludhiana and another government witness Sh.Gurtej Singh, State Tax Inspector, Office of Assistant Commissioner State Tax, Ludhiana-3, District Ludhiana came to the office upon having been deputed. They were introduced with the complainant Major Singh son of Sh.Bhagwan Singh. The statement of the complainant was read over to both the government witnesses, trap party. Then the complainant produced to me 50 notes of Indian currency of the denomination of Rs.500/- bearing No. (1) 1CV 852530, (2) 7CS 382661 (3) 8TA 711327, (4) 7QB 124200 (5) 8BP 397059, (6) 3AV 828152, (7) 4CG 647063, (8) 8BD 184602, (9) 4FS 573131, (10) 4GN 501413, (11) 0KK 076034, (12) 3CT 271531, (13) 1WU 588046, (14) 9NR 043958, (15) 2LP 275331, (16) QUE 189054, (17) 4AR 350077, (18) 4LV 761369, (19) 7KU 427156, (20) 7BA



971675, (21) 3BD 271345, (22) 1ST 890769, (23) 8NL 014677, (24) 2QC 931637, (25) 1AG 566705, (26) 1AG 566704, (27) 1AG 566703, (28) 4BB 708598, (29) 1HC 400264, (30) 7CQ 012713, (31) 5KB 159544, (32) 0HU 680094, (33) 1EU 290894, (34) 5PK 977610, (35) 8FQ 488829, (36) 6WP 566565, (37) 1FS 260838, (38) 5HN 813081, (39) OHT 824248, (40) 7VH 063671, (41) OTV 252507, (42) 4PE 482915, (43) 8PA 740385, (44) OSV 974230, (45) 2BM 320446, (46) 4RL 267241, (47) 7MD 588403, (48) 7MD 588404, (49) 7MD 588405, (50) 7MD 588406, total amount Rs.25,000/- and the audio recording pen-drive. The pen-drive of audio recording was heard by putting it in the computer and hatch value MD5: 49b30caef8158b19c9c9c9f2cb9463b was taken. The pen-drive of the recording and the Indian currency notes were taken into the police possession and the Phenolphthalein powder was applied on it and after having been satisfied of not having any cash with the complainant, the same was handed over back to him and then the complainant was directed that upon demanding the bribe by the accused, he would give this powder-clad notes and would not shake hands either prior to it or after it. Then the government witness Sh. Gurtej Singh, State Tax Inspector, Office of Assistant Commissioner, State Tax, Ludhiana-3 was appointed as shadow witness and directed him that he would go with the complainant Major Singh to Anil Narula Patwari in his office Patwarkhana Jassian, Ludhiana and to see with his eyes and hear with his ears, the entire conversation with regard to the bribe with him and upon receiving the bribe by him, he would give signal to the raiding party by raising his hands above his hand. Thereafter the solution of water and Sodium Carbonate was prepared in a clean glass. Its colour was not changed and remained white. Then in this solution, a piece of Phenolphthalein powder-clad paper was inserted. Then the colour of the solution was changed into pink. The solution was shown to the witnesses and the trap party and spilled outside the office. The piece of paper was destroyed. The glass was washed with soap water. The memo of possession and handing over of currency notes and the demo of solution and production of C.D. of recording was prepared. After taking the print of the memo from the laptop, the signatures of the witnesses would be obtained on the memo. After all this process, the hands of



the members of the trap party, complainant, shadow/government witnesses, other government witnesses were got washed with soap water. The trap party, complainant, shadow/government witnesses were briefed about their role in respect of the trap. From the statement, a case under section 7 of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amended) Act, 2018 is made out against the accused Anil Narula, Patwari, Revenue circle Jassian, Ludhiana. The statement is sent to the Station House Officer, Economic Offences Wing, Punjab, Vigilance Bureau, Ludhiana through PHG Naresh Kumar No.29746, Police station E.O. Wing, Vigilance Bureau, Ludhiana for the registration of the case under the above section against Anil Narula, Patwari, Revenue circle Jassian, Ludhiana. After the registration of the FIR, the original ruqa and the copy of the F.I.R. be sent to me. I myself will conduct the investigation. Special reports be issued to the concerned. I, Inspector alongwith the trap party ASI Sumit Bali No.3379/PAP, ASI Tejinder Singh No.4030/PAP, Head Constable Karan Sharma No.2765/Ludhiana, Senior Constable Sahil Kumar No.3/785 (Computer Operator), PHG Gurmukh Singh No. 16567, Complainant, Shadow/government witnesses, government witnesses, laptop as well as printer, proceed for the site in private vehicles No.PB-11-AP-0209 and PB-07-BJ-7555 for conducting raid and taking action. The investigating kit without Phenolphthalein powder was taken. ”

He submits that it is a trap case and recovery of the tainted money, although not effected from the conscious possession of the petitioner, was made from inside the office Almirah of the petitioner. He submits that the hand-wash of the petitioner turned pink after he was apprehended by the raiding party following the signal given by the shadow witness. Learned State counsel has submitted that the petitioner had earlier also been booked in two cases under the Prevention of Corruption Act although in one of the two cases, he has since been acquitted of the charges while the other case is still pending.



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

5. The petitioner has been in custody since 20.09.2024. It is evident that the constitutional right of the petitioner to a speedy and fair trial is being compromised in the afore-mentioned facts and circumstances. Be that as it may, the possibility of the trial concluding in the near future seems remote; Challan already stands presented, in the present case, hence, this Court deems it fit to extend the concession of regular bail to the petitioner.

6. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 19, 2025
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No