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(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision: 19.08.2025

YOGESH KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No13 dated 06.05.2025 (Annexure P-1) dated 06.05.2025 registered under Sections 7 & 7-A of Prevention of Corruption Act, 1988 (challan presented under Sections 7, 7A, 13(1)(b) read with 13(2) of Prevention of Corruption Act, 1988 and Sections 61(2) BNS, 2023 i.e. 120B IPC) at Police Station Anti-Corruption Bureau, Faridabad, District Faridabad.

2. The present FIR came to be registered at the instance of Ankur Dutt Sharma S/o late Ashwani Kumar and the same reads as under:-

“To, DCP, ACB, Faridabad, Sir, it is requested that I Ankur Dutt Sharma s/o Late Sh. Ashwani Kumar is a resident of Hassanpur Chowk, Arya Nagar, Hodal, Distt. Palwal. In August 2023 I had applied for nursing staff job in ESIC Hospital and Medical College, NIT Faridabad, upon which Hari Singh, Assistant Nursing Superintendent, ESIC Hospital and Medical College alongwith his accomplices, on pretext of providing job had got transferred Rs.3.5 Lakhs in the Bank Account of Tilak Raj Sharma, who was an employee in his department. However, even

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after taking money, job was not given to me. As such, I gave a complaint to SP, Faridabad, upon which Tilak Raj Sharma returned the said amount in my account. Thereafter, now Hari Singh, Assistant Nursing Superintendent, ESIC Hospital and Medical College contacted my friend Ram Raj, who is appointed at the post of Nursing Officer in ESIC Hospital and Medical College and told him that he can get a job for me, for which he sought an illegal gratification of Rs. 3 Lakhs. My friend informed me about this and we decided to unearth the corruption being done by above mentioned persons namely Hari Singh and his accomplices. Thereafter, I and my friend, Ram Raj met Hari Singh, who took me and my friend Ram Raj to the Dialysis Room situated at the First Floor of the ESIC Hospital, where Yogesh Sharma, Manager Sudarshan Facilities Pvt. Company and Deen Dayal, Nursing Orderly, were already present. Hari Singh told me and my friend, Ram Raj, that no job is granted without any illegal gratification and he got Yogesh Sharma introduced by saying that his company, Facilities Pvt. has been awarded the tender for appointment of staff and his company has to give illegal gratification to higher ups as per the appointment of each person. Hari Singh and Yogesh Sharma told me that generally they take Rs. 4.5 Lakhs for appointing anyone as Nursing Officer but since on earlier occasion I had suffered a loss, therefore, they demanded Rs. 3 Lakhs from me and assured me that after giving the money, I will get a joining letter the next day. Thereafter, we sought time from them on the pretext that the amount is huge, on which they told that as soon as the money is arranged I can approach them and my work will be done. Two days earlier I and my friend met Hari Singh, who told us that without money job will not be provided and Deen Dayal, Nursing Orderly, was called and we were told to meet Deen Dayal the next day and handover Rs. 3 Lakhs to him. That today we have been called along with the illegal gratification of Rs. 3 Lakhs. I do not intent to give this



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illegal gratification. I and my friend Ram Raj do not have any enmity with the above mentioned persons. It is requested that legal action may be taken against Deen Dayal, Nursing Orderly, Yogesh Sharma, Manager, Sudarshan Facilities Pvt. Company, Hari Singh, Assistant Nursing Superintendent ESIC Hospital and Medical College, NIT Faridabad, I have recorded the conversation between me and Hari Singh whereby he is demanding illegal gratification and my friend Ram Raj has recorded the conversation with Yogesh Sharma where he is demanding illegal gratification, which will be provided lateron by me and my friend Ram Raj. Sd/- in English Ankur Dutt Sharma.”

3. Deepak Sharma was caught red-handed while being handed over Rs.3 lakhs by the complainant. He disclosed that he had been asked by co-accused Deen Dayal and Yogesh Sharma (petitioner) to receive the aforementioned amount. On obtaining information that Deen Dayal was also coming to the spot for receiving the said payment the recovered amount of Rs.3 lakhs was handed over to Deepak Sharma. When Deen Dayal reached the spot and sat in the car of witness Ram Raj, he was apprehended and the recovery of Rs.3 lakhs which had been handed over to him by Deepak Sharma was effected from him (Deen Dayal).

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No recovery has been effected from him. In fact, he had been implicated at the instance of Ram Raj who was having a personal grudge against him. As the petitioner is a first-time offender, in custody since 06.05.2025 but none of the 23 prosecution witnesses have been examined so far, the trial of the present case



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is not likely to be concluded anytime soon and therefore, the petitioner is entitled to the grant of bail.

5. On the other hand, the learned counsel for the State contends that the petitioner along with his co-accused Deepak Sharma, Hari Singh and Deen Dayal have committed a grave and serious offence. The petitioner was working as a Manager of Sudarshan Facilities Pvt. Ltd. which was providing manpower in the ESIC Hospital and Medical College, Faridabad. He in collusion with other accused were indulging and providing jobs in the said hospital on receiving illegal gratification. In view of the nature of the allegations, the petitioner is not entitled to the concession of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 06.05.2025 but none of the 23 prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 06.05.2025 but none of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Yogesh Kumar S/o Kishan Swaroop is



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ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.08.2025

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No