



215

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-5383-2025  
DECIDED ON: 17.03.2025

PIYUSH SRIVASTAVA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Randhawa, Advocate with  
Mr. Abhinav Kansal, Advocate and  
Ms. Tarranum Madan, Advocate  
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

\*\*\*\*\*

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of the BNSS, 2023 (Section 483 of the Cr.P.C.) seeking the concession of anticipatory bail for the petitioner in FIR No.20 dated 29.10.2024, registered under Sections 120-B, 406 420, 467, 468, 471, 201 and 203 I.P.C. at P.S. Anti-Corruption Bureau, Faridabad.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*To, The Station House Officer, Police Station Anti-Corruption Bureau, Faridabad Division, Faridabad. Sir, Enquiry No. 06 dated 12.12.2022 Faridabad Office of Chief Secretary, Haryana Government, Vigilance Department In compliance with the order No. 49/105/2022-4 (1) dated 08.12.2022 of the office of*



*Director General, State Vigilance Bureau (H00) Panchkula, as per endorsement 19462/1-2/SVB (H) dated 13.12.2022, the intelligence report was registered and received for investigation and in this regard the office of the Chief Secretary, Haryana Government, Vigilance Department. In compliance with the order No. 49/105/2022-4 Ch(1) dated 02.01.2023 of the office of the Chief Secretary, Government of Haryana, Vigilance Department, as per the endorsement 448/1-2/SVB(H) dated 06.01.2023 of the office of the Director General, State Vigilance Bureau (H), Panchkula, as per the complaint received from Shri Man Singh Bhati son of Shri Raj Singh resident of H.No. 888, Gali No. 1, New Baselwa Colony, Old Faridabad, the following allegation was to be investigated. Accused No. 1 A Heart Centre was started in BK Hospital, Faridabad in the year 2018. In order to provide treatment of heart disease to the general public at affordable rates in government hospitals, under the PPP Model Scheme, the tender for opening a Heart Centre was issued to Meditrina Hospital Pvt. Ltd., Kollam, Kerala in the year 2018. It was given in 2017. Under this scheme, a contract was signed between Haryana Government and Meditrina Hospital Pvt. Ltd., according to which the above company started a heart center in BK Hospital Faridabad from the year 2018. According to this 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 bills from them individually (which came under the free category). The company paid the bills in cash from the patient and also took payment from the government hospital. In this regard, a list of 4 BPL card holders and 3 Ayushman Bharat card holders is given. Those who have paid cash for their treatment to the said company and the company has also taken its payment from the government hospital. Allegation No. 2: It has also been observed that the doctors of this company are using Puncture needle, Balloon, wire, catheter, ROTA, Thrombus aspiration Catheter and other equipment many times. Whereas according to clause no. 5.1.5 of page no. 12 of the contract, all the equipment should be new and not old. The list of 39 patients in whose treatment old equipment was used is attached. According to the guidelines of the Medical Council of India and the World Health Organization, old wire, balloon and other equipment should not be used in the treatment of heart patients (CAG PTC). This poses a serious threat to the life of the patient. Due to this, 100 deaths have occurred in the Heart*



*Center, General Hospital Faridabad since February 2018. Apart from this, it has also come to light that the bills issued by the company are higher than the rates approved by the government. In this way, Meditrina Hospital Pvt. Ltd., along with the Chief Medical Officer General Hospital Faridabad and his employees, are causing huge losses to the Haryana government and creating a huge threat to the health of the citizens. From the observation of the statements and documents obtained during the investigation, it was found that in charge no. 1, a contract was signed by the Haryana Government with Meditrina Company Private Limited, District Kollam (Kerala) in the year 2017 for the treatment of people suffering from heart disease in District Faridabad. According to this contract, heart patients were to be treated at Meditrina Heart Center as per the rate list issued by the government and apart from this, patients belonging to exempted categories (BPL, Scheduled Caste, Ayushman Bharat and on-duty employees of Haryana Government) were to be treated free of cost by Meditrina Heart Center and bills for the amount spent on their treatment were to be prepared and submitted monthly to the Chief Medical Officer's Office, BK Hospital, Faridabad for payment, on which payment was to be made from the government account after checking the bills by the checking committee constituted in the PMO office. On investigation, it was found that in the year 2018, Meditrina Heart Center started treatment work for the treatment of patients related to the contract heart on the third floor of BK General Hospital, NIT Faridabad. During the investigation. Meditrina Heart Center showed an expenditure of Rs. 13,29,490/- on the treatment of 4 disputed BPL card holders of the exempted category. namely Bhopal Yadav, Kaushalya Devi, Aapu and Zikru Rehman and 3 Ayushman Bharat card holders, namely Vinod Kumar, Ramesh Chand and Siyaram. Bills were found to be paid from the PMO office. Apart from this, 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 second treatment. Whereas all the above patients belong to the exempted category and the above patients were found to have got free treatment in the exempted category earlier, but despite that, it was found that Meditrina Heart Center treated these patients by taking cash amount during the second treatment. In this regard, the above patients and their families have said that the allegations about Meditrina Heart Center taking cash amount in exchange for treatment are correct. Whereas in the contract with Meditrina Heart Center,*



*there is no provision of taking cash amount spent on treatment from exempted patients after treatment and Meditrina Heart Center has not given any clear answer in this regard. During the investigation, Meditrina Heart Center did not provide any record of documents from the time of admission to the patient till discharge after treatment, bills related to the equipment used in the treatment and care etc. even after repeated correspondence. In this regard, the doctors/cardiologists of Meditrina Heart Center have accepted in their statements that they also use old reused equipment in the treatment of patients. But due to non-availability of complete records from Meditrina Heart Center, it could not be clarified how much revenue loss has been caused to the government by using old equipment instead of new equipment in the treatment of the above 7 exempted patients and how much unfair benefit has been obtained by receiving cash from the patients. Besides this, during investigation, it was found that 39 patients (Ramchandra, Sheela Devi, Gopichand, Jayanarayan, Sudhir, Shyamdev Gupta, Thakur Lal, Radhelal, Suresh, Sabjudin Khan, Kuldeep Kaur, Baburam, Suresh Kumar, Sundar Singh, Chutta, Mohin Khan, Binduram, Mahesh, Jasvendra Singh, Kharak Singh, Hiralal, Kaushalya Devi, Kasturi, Ranbir, Akbar, Kishan Saini, Chatar Singh, Amichand, Kaulya Devi, Rahim Bux, Rajkumar, Poornmal, Shravan, Mustaq, Sohan Lal, Narayan, Vijendra, Mohd Kasam and Giriraj) of the exempted category in the year 2018-2019 were treated by Meditrina Heart Centre and the related documents were sent to PMO office for payment, for which the PMO office had not paid Rs. 34,45,672.20/- Payment of Rs. 30000/- has been found to have been made. Verified copies of all the documents related to the above mentioned 39 patients were obtained from the PMO office Faridabad. In this regard, after their treatment from the time of admission in Meditrina Heart Center. Even after repeated correspondence by Meditina Heart Centre, no record of documents till discharge, material used in treatment and bills related to care etc. was made available. During the investigation, when Cathlab register/records were sought from Meditrina Heart Centre to examine the equipment used by Meditrina Heart Centre during the treatment of the above mentioned 39 exempted patients, only 4 Cathlab registers (Reg. No. 3 dated 14.01.2019 to 15.03.2019, Reg. No. 5 dated 09.05.2019 to 29.06.2019, Reg. No. 6 dated 06.09.2019 to 23.08.2019 and Reg. No. 1 dated 05.12.2019 to 03.02.2020) were made available, apart from this it was told that no records*



were available. On observation of these 4 registers and as per the statement of Shri Naresh Kumar, the then Cath Lab Incharge, Meditрина Heart Centre, Faridabad, details related to treatment of heart patients were found to be recorded in the Cath Lab register and details of equipment used by patients during treatment were also found to be written. '0' is written in front of the equipment for which old equipment was used and N is written in front of the equipment for which new equipment was used. Out of the above disputed 39 patients, records of only the following 8 patients were found available in the Cathlab register, in whose treatment the details of old/reused material used are as follows: SR NO PATIENT NAME-MF NO-CATEGORY-CATH NO BILL DATE-BILL AMOUNT-OLD/REUSE ITEM AMOUNT- (1)MAHESH- 19000891-BPL-1392-462-09.02.19-1.00.688-BLLOON-24664 THROMBUS AP- 3500059664/- (2) JAIVENDER SINGH-19000873-AB-1406-469- 10.02.19-66,403-BALLOON BALLOONS -24664x249328/-(5) SOHAN LAL- 19001563-BPL-1484-504-04.03.19-96,940-2 4664x249328/- (8)MOHDKASAM-19001572-BPL-1487-507-04.03.19-1,10,203 ALLOON24664x249328/-TOTAL-8,38,081/-OLD/REUSE ITEM AMOUNT 4,17,768/- During investigation, on the observation of the above and as per the Cathlab register of Meditрина Heart Centre and the bills received from the PMO office, concrete evidence has been found about Meditрина Heart Centre using old/reused material in the treatment of 8 patients out of the above 39 disputed exemption patients. From which it is clear that Meditрина Heart Centre has wrongly recovered Rs. 8,38,081/- from the treasury of Haryana Government by showing use of new equipment in the treatment of the above mentioned 8 patients, whereas 24664/-(3) RANBIR--19001236-BPL-1459-492-25.02.19-76,304-FIELDER FC PTCA WIRE-8400BALLOON-2466433064/-(4)MUSTAK-19001559-BPL-1483- 503-06.03.19-1,04,878-2 BALLOONS-24664x249328/-THROMBUS AP-3500084328/-(6) NARYAN-19001568-HRG-1485-505-07.03.19-1,97,609-2 BALLOONS-24664x249328/-BMW WIRE-B400THROMBUS AP- 3500092728/-(7) BIJENDER-19001658-HRG-1509-519-06.03.19-85,053 2BALLOONS. 4664x249328/- Mohd Kasam 19001572-BPL-1487-507- 04.03.2019 1,10,203 Alloon 24664x249328/- Total 8,38,081/- Old Reuse Item. It has been found that old/reused material worth Rs. 4,17,768/-has been used in the material shown in the bills. By doing so, Meditрина Heart Centre has caused a revenue loss of Rs. 4,17,768/- to the Haryana



*Government. Apart from this, the revenue loss could not be assessed as the documents related to the treatment of the remaining 31 patients out of the above disputed 39 patients like Cathlab register, IPD file etc. were not made available by Meditrina Heart Centre even after repeated correspondence. During the investigation, the members of the checking committee constituted in the office of Chief Medical Officer, BK Hospital Faridabad have also clarified in their joint statement that as per the contract, Meditrina Heart Centre cannot use old/reused material during the treatment of any heart patient. But the old/reused items used by the cardiologists working at Meditrina Heart Centre during the treatment of heart patients, Meditrina Heart Centre is being provided unethical benefits by preparing bills for new items by the finance branch of Meditrina Heart Centre and getting the payment from the office of PMO Faridabad. During the investigation, on repeated correspondence, the management staff of Meditrina Heart Centre Faridabad did not provide the list and bills of the items purchased by Meditrina Heart Centre Faridabad from the year 2018 to 2024, the Cath Lab Register related to the items used during treatment, the appointment of officers/employees and details related to their work. From which it is clear that the said records/evidences have been tampered with by Meditrina Heart Centre Faridabad in its defence. Therefore, from the statements recorded during the investigation, the documents obtained and the investigation conducted, it has been found that Meditrina Heart Centre has wrongly recovered Rs. 8,38,081/- from the treasury of Haryana Government by showing use of new material in the treatment of 8 heart patients out of the disputed 39 heart patients mentioned in the allegations, whereas, it has been found that old/reused material worth Rs. 4,17,768/- has been used in the material shown in these bills. By doing so, Meditrina Heart Centre has caused revenue loss of Rs. 4,17,768/- to Haryana Government. Therefore, Chief Management Officer (CMD) of Meditrina Heart Centre Faridabad 1. Dr. Pratap Kumar son of Shri Natraj Pillai, resident of H.No.-10/1118, Sambhavi Ashram, Meditrina Hospital, District Kollam (Kerala) present/then CMD/Cardiologist Meditrena Hospital, BKH, Faridabad, 2. Shri Praveen Kumar Tiwari son Shri Prabhunath Tiwari resident of village Padriumman, ost Office Matpar Rani, Tehsil Deoria, District Deoria, Uttar Pradesh Presently Pala Tower No.12, Flat No.101, Emaar Palm Hills, Sector-77, Gurugram Then COO NORTH INDIA CHIED OPERATING OFFICER*



*NORTH INDIA COMPANY. Senior Manager Finance, Gadgetrina Harpatal, BKH, Faridabad, 3. Piyush Shrivastava, then Finance Officer, Meditrina Heart Center, 3rd Floor, BKH Hospital Faridabad (Billing Hand) was suggested to register a case under Sections 203, 201, 406, 420, 467, 468, 471, 120B IPC and during the investigation, by obtaining the desired records from Meditrina Heart Center Faridabad and PMO Office Faridabad from the year 2018 to 2024, assess the revenue loss caused to the government in an unethical manner, investigate the use of old items during treatment, investigate the reasons for the death of patients who died during treatment and if the involvement of any other government officer / employee or any private person is found in the subject matter allegations, then he should also be prosecuted for investigation of the case. It is suggested to look into the matter during the investigation. For registering the charge, the report is being sent to the police station through EHC Pritam Singh No. 2076/Faridabad. After registering the charge, the person should be informed through the number and a special report should be sent to the duty magistrate and higher officials as per rules. Another investigation officer should be appointed to investigate the case. The related record obtained during the investigation is enclosed.”*

3. **Contention**

**On behalf of the petitioner**

Learned Senior counsel for the petitioner contends that the petitioner was working as a Finance Officer in Meditrina Hospital at the time of alleged misuse of the government funds for treatments of the patients in the hospital. As per the allegations pertaining to the management of the Meditrina Hospital including the present petitioner, it was found that Meditrina Heart Center has wrongly recovered Rs. 8,38,081/-from the Treasury Department of the Haryana Government by showing use of new material in the treatment of 8 heart patients out of the disputed 39 heart patients whereas it was found that old/reused material worth Rs. 4,71,768/- have been used in the material shown in these bills which caused revenue



loss of Rs. 4,17,768/- to Haryana Government. It is an admitted position in the instant case that the complainant himself was also an employee of M/s Meditrina Hospitals Pvt. Ltd. whose services were terminated in the year 2019-2020 and thereafter as a counter-blast the instant FIR came to be lodged. The attention of this Court has been drawn by counsel for the petitioner that an inquiry was conducted against Mann Singh Bhati-complainant who is involved in filing multiple complaints against the institute itself including one complaint bearing COMI/106 dated 01.03.2023, under Sections 28(1)(b) of P.C./P.N.D.T. Act wherein a quashing petition has also been preferred bearing CRM-M-29413-2023 and the proceedings in that FIR stands stayed by this Court.

Another complaint moved on behalf of the present complainant was also found to be false by the Haryana Human Rights Commission, Chandigarh vide its order dated 13.11.2019 (Annexure P-14) involving the similar kind of allegations as has been raised in the instant FIR.

He further submits that co-accused namely Praveen Kumar Tiwari and Dr. Prathap Kumar have already been granted concession of anticipatory bail to the petitioner vide orders dated 03.12.2024 and 20.12.2024 passed in CRM-M-60512-2024 (Annexure P-11) and CRM-M-64316-2024 (Annexure P-12), therefore, prays for grant of anticipatory bail to the petitioner.

Learned counsel for the petitioner further undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

**On behalf of the State**

Learned State Counsel has filed status report by way of affidavit of Arjun Rathee, HPS, Dy. Superintendent of Police, Anti Corruption Bureau, Faridabad, the same is taken on record. Copy of the same has been furnished to the counsel opposite. He on instructions from Investigating officer opposes the grant of regular bail to the petitioner on the ground that the petitioner was the then Finance Officer (Billing Head) at Meditrina Heart Centre and was responsible for day to day working. He further submits that it was the responsibility of the present petitioner to purchase any new equipment as required for the operations, on behalf of the Meditrine company used in place of old ones for which the petitioner used to generate fake bills by forging the new material in place of old material and sent it to PMO Office, Fardibad for payment, therefore, prays for dismissal of the petition.

**4. Analysis**

Be that as it may, though the present petitioner was working as Finance Officer (Billing Head) at Meditrina Heart Centre but no direct role has been attributed to the petitioner as the files maintained in Hospital do not show any such orders or noting by the present petitioner for using old equipment and for making fake bills. Further, learned State Counsel is not able to controvert the nature of duties assigned to the 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, moreso, the co-accused persons have already been granted concession of



anticipatory bail, hence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and has undertaken to provide the relevant record and documents of the Meditrina Hospital and will facilitate the trial proceedings as well as cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, 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.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**17.03.2025**

*anuradha*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*