



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-10964-2025 (O&M)

Date of decision: 27.03.2025

Amit Bansal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.12 dated 31.12.2024 under Sections 7 and 7A of the Prevention of Corruption Act, 1988 and Section 120B of the IPC, registered at Police Station Vigilance Bureau, Phase 1, Mohali.

2. Short reply by way of affidavit of Jai Inder Singh Randhawa, PPS, Deputy Superintendent of Police, Vigilance Bureau, Flying Squad-1, Punjab at SAS Nagar, Mohali, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner has vehemently urged that the petitioner has been falsely implicated in the present case, allegedly for exerting influence over officials of the Health Department to prevent action against de-addiction centres operated by him. It is



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contended that a bare perusal of the FIR, annexed as Annexure P-1, fails to disclose the essential ingredients of any offence under the Prevention of Corruption Act, against the petitioner.

4. Learned counsel has further submitted that the alleged involvement of the petitioner in the case is based on unfounded allegations, which stands reinforced by the fact that he has no connection with the FIR registered in relation to Simran Hospital. In this regard, reliance has been placed on the cancellation report filed by the investigating agency before the learned Trial Court in FIR No.242 of 2022 registered under the NDPS Act. Learned counsel submits that the said cancellation report, annexed as Annexure P-4, clearly indicates that the petitioner was named in the FIR solely on the basis of a disclosure statement, which, in itself, has poor evidentiary value in the eyes of law.

5. Additionally, it has been argued by the learned counsel for the petitioner that even in other cases previously registered against him, the petitioner has been exonerated by the investigating agency itself, which further reinforces the plea of his false implication.

6. It has also been contended that the petitioner has been in custody since 01.01.2025 and is not required for further custodial interrogation as it is a matter of record that challan already stands presented. It has been still further emphasized that the entire case of the prosecution rests on documentary evidence, which is already in possession of the investigating agency. Consequently, learned counsel has asserted that there is no possibility of the petitioner tampering with

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the evidence. Furthermore, it has been submitted that the trial is expected to take a considerable amount of time, as none of the 15 prosecution witnesses have been examined so far. Given these circumstances, it is urged that the continued incarceration of the petitioner would serve no fruitful purpose and he may, therefore, be granted the concession of bail.

7. *Per contra*, learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been argued that serious allegations have been levelled against the petitioner, who is alleged to be the mastermind behind an extensive racket involving the illicit sale of narcotic drugs under the pretext of running de-addiction centers across Punjab.

8. Learned State counsel submits that the petitioner, in collusion with his co-accused and certain officials of the Health Department have been engaged in the unlawful trade of narcotic substances by bribing officials to facilitate the illegal sale of these substances. It has been further submitted that the petitioner operates approximately 22 de-addiction centers across Punjab, wherein Buprenorphine and Naloxone, are administered to patients. However, under the guise of de-addiction treatment, the petitioner is allegedly involved in the illegal sale of these tablets, both through his centers and by employing forged identities to sell them outside, thereby amassing illegal profits running into crores of rupees.

9. It has been further submitted by the learned State counsel that in the year 2022, two employees of Simran Hospital, Ludhiana,

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were apprehended by the Special Task Force on the basis of secret information, leading to the recovery of 4,000 Buprenorphine tablets from an Activa scooter connected with the hospital of the petitioner. This led to the registration of FIR No.242 of 2022 at Police Station STF, Phase IV, Mohali on 05.10.2022.

10. However, learned State counsel has not disputed that the petitioner is not a public servant. It is also not disputed on instructions that a cancellation report has been filed in FIR No.242 of 2022, wherein the petitioner was named solely on the basis of a disclosure statement. Furthermore, on instructions, it has been conceded that challan in the present case has already been filed before the competent Court and that the case is predominantly based on documentary evidence. The State has also not controverted the submission that, as of date, none of the 15 prosecution witnesses have been examined.

11. On a further query put to the learned State counsel as to whether any case has been registered or is pending against the petitioner under the NDPS Act in view of the de-addiction centres being run by the petitioner dispensing intoxicant tablets illegally against fake Aadhaar Cards, learned State counsel, on instructions, has replied in the negative.

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

13. The petitioner has been in custody since 01.01.2025, and the investigation in the matter stands concluded, as the charge sheet has already been presented. The case against the petitioner is based entirely



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on documentary evidence, which is already in the possession of the investigating agency. Therefore, the apprehension of tampering with evidence does not arise.

14. Furthermore, the petitioner's alleged involvement in FIR No.242 of 2022 appears to be tenuous, given that a cancellation report has been filed in that case, and his nomination therein was based solely on a disclosure statement.

15. It is also pertinent to note that as of date no case under the NDPS Act stands registered against the petitioner. Furthermore, the trial is likely to take considerable time as none of the 15 cited prosecution witnesses have been examined till date. Further incarceration of the petitioner, particularly since the case rests primarily on documentary evidence, would serve no constructive purpose.

16. Taking into consideration the totality of the facts and circumstances, this Court deems it fit to extend the concession of bail to the petitioner.

17. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned. However, the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned may impose stringent conditions as it may deem fit upon the petitioner to ensure his presence before the Trial Court on each and every date of hearing.

18. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek



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cancellation of the same.

19. Pending applications, if any, stand disposed of.

27.03.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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