IN THE COURT OF
Additional Sessions Judge
AT ,S.A.S Nagar
(Presided Over by Hardip Singh)

B.A.2441-2025

Bikram Singh Majithia, aged 50 years, son of Satyajit Singh Majithia currently residing at House no. 43, Green Avenue, Amritsar.

–---- Applicant.

Versus

State of Punjab

… Respondent.

FIR No. 22/25.06.2025
under Section 13(1)(b) read with Section 13(2) of Prevention of Corruption Act
PS Vigilance Bureau, FS 1 , SAS Nagar .

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Bail Application under Section 483 BNSS

Present : Sh. D.S.Sobti, Sh. H.S.Dhanoa, Sh. A.S.Kaler Advocate,counsel for applicant/accused.
Sh. Preet Inder Pal Singh, Sh. Ferry Sofat, SPP for the State assisted by Sh. Manjit Singh, Addl. PP for State alongwith DSP Inderpal Singh (IO of the case).

ORDER

This order of mine shall dispose of regular bail application preferred by applicant.

2 During the arguments on the bail application, Sh. Shankar Hegde Advocate and Sh. D.S.Sobti Advocate argued on behalf of the applicant being assisted by Sh.H.S.Dhanoa and Sh. Arshdeep Kler Advocate. On behalf of the State, Sh. Preet Inder Pal Singh and Sh. Ferry Sofat, SPP for the State addressed the arguments assisted by Sh. Manjit Singh Addl. PP for State.

3. The present application has been filed seeking bail on the ground that accused/applicant is constrained to approach the court seeking bail in FIR No. 22 dated 25.06.2025 registered under section 13(1)(b) read with section 13(2) of the PC Act registered by Police Station Vigilance Bureau Mohali. The FIR in question is a result of witch hunting by the current political dispensation. The entire state machinery has been mobilised to silence the voice of applicant who is an opposition leader of the government and he was elected as an MLA in 2007 from Majitha constituency and was re-elected in 2012 and 2017. Now the said constituency is represented by his wife. He had the privilege of serving the state of Punjab as a cabinet minister. He remained on posts in the party being President of Youth Akali Dal, General Secretary and Senior Vice President and his family, for generations, serve the people of the country in pre-independence and post independence era as well as they are running a number of schools, colleges and other educational institutes and he has been falsely implicated under a propaganda to tarnish his hard earned reputation and even the reputation of his family and the allegations leveled in the FIR are similar to the one raised in the earlier FIR registered under NDPS Act bearing No. 02 dated 20.12.2021. The chronology of the events has been mentioned by the applicant as that applicant was falsely implicated in an FIR bearing No.02 of 2021 under Section 25, 27A and 29 of the NDPS Act registered with police Station Punjab State Crime Mohali. The sole purpose of the registration of the FIR was to tarnish his image and he approached the Hon’ble High Court seeking regular bail and

vide order dated 10.08.2022 he was granted bail and reference has been made to the orders passed by the Hon'ble High Court in the said bail vide order dated 10/08/2022. It is further alleged that it is further imperative to mention that the prosecution agency in the NDPS case choose to challenge the regular bail granted to the applicant by way of filing Special Leave Petition before the Hon'ble Supreme Court of India. During the pendency of the said SLP the prosecuting agency filed additional affidavits levelling allegations, which are the same as the ones raised in the present FIR. The first additional affidavit dated 22.04.2024 was filed before the Hon'ble Supreme Court by the State of Punjab, reply dated 17.07.2024 was given by the present applicant. The prosecuting agency choose to file yet another affidavit dated 27.07.2024 carrying the same allegation which forms the basis of instant FIR, reply dated 31.08.2024 to the same was filed by the applicant. Then another affidavit dated 16.09.2024 was filed by the State of Punjab and reply was also filed to the said affidavit. Then another affidavit carrying the same allegation was filed on 10.02.2025 and the reply was filed on 21.02.2025. After considering the detailed affidavits filed by the state of Punjab, the Hon'ble Supreme Court did not agree with the contentions of State of Punjab to cancel the bail granted to the applicant and also not granted the custodial interrogation, however it was directed that the applicant will join investigation on a particular date with the further direction to the investigating agency to complete investigation on the said date. It was however mentioned that if further investigation is required the applicant

shall appear on the next date at the same time and shall cooperate in completion of the investigation. The applicant complied with the said order and joined the investigation on 17th of March 2025 and 18th of March 2025. The matter was again heard by the Hon'ble Supreme Court on 25th of April 2025 and the SLP filed by the state of Punjab seeking the cancellation of bail was dismissed. It has also been alleged that after the arrest of the applicant on 25th of June 2025 he was due to be produced before the Ld. Magistrate within 24 hours from his arrest. However the timing of his production was coordinated with the conference of the CM of Punjab wherein he claim to have got a big fish in the drug case. And even the ruling party has uploaded over 250 posts in a span of 12 days alleging the applicant as a drug lord. It is further submitted that it leaves no scope of doubt that the instant arrest of the applicant was not for the investigation of the instant case but to tarnish his image and humiliate him in order to achieve political gains. It has been further alleged in the bail application that the manner in which the instant FIR was registered and the applicant is arrested does not leave much to the imagination and rather exposes the plain and time of operation of the investigating agency by circumventing all necessary safeguards established in law. The present FIR comes to be registered on 25.06.2025. The time of information received at police station is mentioned as 4:30 AM at police station vigilance bureau Flying squad 1 at Mohali. Time of the dispatch of the report is mentioned in the FIR at 6:30 AM and at 9 AM in the morning the investigating team along with the local police reached the residence of the

applicant at Amritsar to arrest him. The journey between Chandigarh and Amritsar takes 4 hours. The breakneck speed in which the present FIR is registered and the applicant is picked up clearly points towards the main intention of the investigating agency. It is also intriguing to note that the FIR is registered without conducting any inquiry whatsoever. The provisions of section 13(1)(b) of PC Act for which the applicant is implicated would reveal that the offence in this regard is complete, when the public servant cannot satisfactorily account for his excess income. This by necessary implication means, that in the case of disproportionate assets the accused has to be given a right to explain his source of income, if any. However, such was not the intention of the investigating agency and by passing all norms the instant FIR was registered without conducting preliminary Inquiry, without giving the applicant any notice or questionnaire as is done in such cases. The main objective was to arrest and humiliate him in order to please the political masters which is clearly spelt out from the conduct of the investigating agency. The instant FIR is registered with the allegation that a company namely Saraya industries Ltd, where applicant was a director prior to 2007, has conducted business and some transactions done by the said company have been questioned. First, it is relevant to note here that the applicant had resigned from the directorship in the said company in 2007 before he entered public life and he remained earlier shareholder to the extent of 11% by way of inheritance from his grandfather in the said company. The applicant is not the office holder, employee, director or in any manner concerned with the

said company during the period 2007 to 2017. Therefore, it is imperative for the investigating agency to prove the connection of applicant with the conduct of business of the said company, failing which it is inconceivable how the applicant can be implicated in the instant case. The said company has been placed under liquidation by the orders of NCLT order dated 17.05.2022. The allegations levelled in the FIR with regard to the huge cash deposits from the year 2007 to 2009 is misplaced to say the least. A perusal of affidavits filed by the investigating agency in the NDPS case before the Hon'ble Supreme Court would reveal that the same allegations were raised therein as well. However the custody of the accused to further investigate these allegations was denied by the Hon'ble Supreme Court. The company Saraya industries Ltd was in liquor business and it is no mystery that the business of liquor is usually a cash-based business and the tenders are floated every year and the interested parties bid for the tenders and some time they are successful and sometime they are not. The investigating agency has picked up the year when the company was successful in getting the tenders to show that the said year the company did business which was abnormally high. The said allegation is false and has no basis during the said years 2007-08, 2008-2009 and 2013 to 2014 the returns of the company were scrutinised and the income tax authorities have found the deposits to be in orders. The assessment orders are passed by quasi-judicial authorities, which are speaking order and all scrutinised material and evidence is available on record. The second allegations levelled in the FIR are with regard to investment received from foreign

funds allegedly based in Cyprus and Singapore during the period 2005 to 2019. It is relevant to note that the check period mentioned in the FIR is from 2007 to 2017 and the allegation is dating back to the year 2005, when the applicant had not joined the public life. The investment received from the entities including Clearwater Capital Partners and Syndicate Carbon Capital India Private Limited are being questioned by the investigating agency without any basis. These companies have uploaded their information which is available on the public platform and the said information has been mentioned in the application. Allegations with regard to the excess income mentioned in para 3 of the FIR is also designedly conceived to portray an offence where there cannot be one. A perusal thereof would reveal that the comparison of income is being done on the basis of election affidavits and not the ITRs. A loan amount mentioned in the ITR has been conveniently ignored to create an offence where there is not any. The allegations levelled in the FIR hold no water and are completely without evidence and are baseless. Income tax scrutiny was conducted on M/s. Saraya industries Ltd over the periods mentioned in the FIR 2007 to 2009 and 2012 to 2014. In the final assessment, no undisclosed income was found by the income tax department. M/s. SIL interalia are involved in the retail sale of alcohol in the state of Uttar Pradesh. The Uttar Pradesh government maintains a very tight control on the working of distillery starting from allocation of raw material, its purchase, it is received by an excise inspector, its release for production, to another excise inspector who oversees the alcohal over

production which goes straight through sealed pipelines into receiving tanks under supervision. The alcohol strength and volume is measured and delivered through sealed pipelines to the storage tank which are under another excise inspector. For production of potable liquor, it is issued to another excise inspector under sealed pipelines for blending and bottling. The bottled liquor cases are delivered to another excise inspector for storage of finished product. On receipt of duty it is released to be licensed wholesale in different part of the state, where it is received and verified by another inspector on receipt of it is issued to license retailers who are under the control of another excise inspector. In the distillery there are nearly a dozen and half excise inspectors under a senior with the inspector maintaining records of receipt and issue which are inspected and audited by the excise at the district and state level since huge revenue is earned by the state government. This fact was within the knowledge of investigating agency. The entire deposit is on account of such sale of alcohol directly monitored by the excise department of the Uttar Pradesh government. Therefore there can be no question of any illegal mining being deposited, much less linking any of it to the applicant who had resigned from the said company before entering public life in 2017. The exorbitant amount of 540 Crores mentioned as undisclosed income has no legal basis and carries no detail of any assets created with these funds. The entire figure is fabricated and figment of imagination of the scribes of the FIR. SIL is a third party legal entity which has no concern whatsoever with the applicant. There is another bogus allegation with respect to five power

companies being incorporated when the applicant was Minister of Nonrenewable Energy Department. It is a matter of record that the applicant resigned as Cabinet Minister on 18.01.2009 and for the rest of the term of the government he did not become a Minister. These five power companies as per record and information available with the prosecution were incorporated on 09.04.2009 and after the applicant has stepped down as Minister. The applicant had no concern whatsoever with any of these five companies. He is neither a director nor a shareholder and has no financial dealings whatsoever with these companies. Four out of these five companies now are not conducting any business even worth of Paisa and were struck off the roles of the ROC without conducting any transaction whatsoever. The applicant was never in a position to misuse resources to give any unlawful benefit to any of these companies as PEDA is the only relevant department under the Ministry and said Department works only as the facilitation/nodal agency. The contract of any power companies assigned between the company and PSPCL and it does not come under the Ministry held by the applicant. The tariffs are settled between the parties. This power purchase and power generator and the said tariffs are confirmed by quasi-judicial authority through an order that is Punjab state electricity regulatory commission. Even this authority which is completely autonomous and under a creation of a statute is not under the Punjab government. The applicant is the most important target of the ruling establishment and since the day present government assumed office, the manner in which the applicant is witch hunted, is crystal-clear

that the instant government is inimical to the applicant and the present FIR is nothing but yet another attack on the applicant for extraneous considerations. The main objective of the political objectives is to tarnish the image of the applicant so as to achieve political gains. The Hon'ble Supreme Court had admonished the state of Punjab, especially the prosecuting officers approaching the media with the details of the investigation in NDPS case. The main objective of the government was to defame the applicant by alleging his involvement in drug case in order to circumvent the orders passed by the Hon'ble Supreme Court. The instant FIR was registered and the applicant was arrested in breakneck speed. The manner in which immediately after the arrest of the applicant main leaders of the political objectives went on the media to claim that the applicant has been arrested on drug case reveal their true intentions. The instant FIR is registered under section 13(1)(b) read with section 13(2) of the prevention of corruption act 1988 as amended by prevention of corruption amendment act 2018, a plain reading of the aforesaid section would reveal that the offence in this regard is complete when the public servant, in this case the applicant, is unable to explain the excess income earned by him. The procedure adopted by the investigating agency in such cases is that the prescribed form that is form No. 6 and 23 are sent to the public servant against whom and enquiry is pending and an opportunity is given to him to explain the excess income earned by him and on his failure to do so, the FIR is registered. However, in the present case, the intent of the investigating agency was not to investigate the case properly but was to

please their political masters by arresting the applicant illegally and helping them in creating a perception that applicant is involved in the drug case so as to tarnish his image. The procedure was not followed and the applicant was arrested illegally. The allegations levelled in the present FIR are same as raised by the prosecution in NDPS case in the Hon'ble Supreme Court. The same transaction which are brought up in the present FIR were brought up in that and the said amount was stated to be drug money and it was asserted by the prosecution that money trail has been established therefore, it is inconceivable how the same drug money can now be taken into disproportionate assets when the prosecution has failed to get the bail of the applicant cancelled from the Supreme Court. The law is well settled and the reference has been made to judgements passed by the Hon'ble Supreme Court of India in **TT Antony (2001)6 SCC page 181, Babu Bhai versus state of Gujarat and others 2010 volume 12 SCC page 254 and Amitbhai Anilchandra versus CBI 2013 volume 6 SCC page 348. I**t is well settled that no more res Integra that there can be no fresh investigation with respect to the same cognizable offence or the same occurrence all incident giving rise to one or more cognizable offences in the present case and the same money which is now being portrayed as disproportionate assets was being portrayed as drug money and the same cannot now for subject matter of fresh aphasia or fresh investigation and the very act of the investigating agency in this regard would be marred by malafides. It is also contended that in order to seek remand the prosecution is alleged that the prosecution has been able to

unearth a huge concealment by the applicant and his wife and they have been able to identify 402 hectares amounting to approximately 1000 acres of land in village Koti Mashobra in the name of applicant's wife and further custodial interrogation was required for finding about the source of money to purchase and it is also alleged that the agency has found the documents which shows that the wife of the applicant is 25% owner/partner in a land development project under the name and style of green Avenue Jalandhar. These allegations are false, baseless, deliberately made in order to misled the court and seek an extended remand. The applicant has also submitted that the entire village Koti Mashobra does not consist of 1000 acres. As per the Himachal Pradesh ceiling on land holdings act 1972, no person can own more than 150 bighas of land that is around 17 hectares. The sale deed has been wilfully and deliberately misread, even though, because otherwise area has been duly mentioned in the sale deed. The sale deed is also accompanied with the site plan and Tartima along with a certificate from the circle Patwari, showing the exact land holding of the petitioner's wife. In Himachal Pradesh, the lands are measured in the bighas, biswas, and biswansis, and if the measurement is taken it leads to a deliberating misreading and inadvertent measuring has been used to falsely implicate the petitioner. The applicant has also made submissions with regard to the 25% owner public partnership in a land development project under the name and style of green Avenue Jalandhar and submitted that it is an effort to tarnish the image of the petitioner as one false, frivolous and baseless private complaint was filed by Karan

Singh at Kapurthala the preliminary evidence was recorded and summoning order dated 27th of October 2023 was passed in which casually one person Geneeve Grewal was summoned and later on the summoning order was quashed by the Hon'ble High Court. That for an offence to fall under the provisions of PC act the primary factor has to be that the money so alleged, has to be collected by misuse of the office. In the present case the amount in question is portrayed as drug money by the prosecution and by no stretch of imagination it can be earned by misusing the office by the petitioner, as such, the same cannot in any way be considered as an offence under the PC act. It is also further stated that in case the applicant is granted bail he undertakes not to tamper with the prosecution evidence in any manner during the pendency of the trial and also not misuse the concession of bail in any manner and undertakes to abide by all the terms and conditions that may be imposed by the court while granting the bail. He is a law abiding citizen and there is no flight risk or other circumstances which will not entitle him to the concession of bail and the applicant is on bail in the other case and has not filed similar application either in Hon'ble court or the Supreme Court of India.

4 Notice of the bail application was given to the state and the state appeared through special public prosecutors appointed in this case and they have filed written submissions in the form of reply in this case which are as under :

5 That at the outset, the contents and averments stated by the Accused in the present bail application, are specifically and expressly

denied. The prosecution hereby reserves the right to revert to any specific allegations if need arises. That the Accused was arrested on 25.06.2025 in connection with the above-mentioned case after following the due procedure of law and was produced before the Ld. Special Court on 26.06.2025. The Ld. Special Court after taking into consideration the complete material was pleased to grant Police Custody of the Accused vide order dated 26.06.2025 till 02.07.2025. Thereafter on 02.07.2025, the Accused was produced before the Ld. Court and was remanded to Police Custody for a further period of four days. The Accused was arrested in the interest of the investigation and the production of the Accused was conducted in strict compliance with the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and after following the due process of law. The arrest of the Accused was done with due procedure and on the merits of the evidence. The Accused was produced before the Ld. Court on 06.07.2025 and on consideration of the complete facts, the Accused was remanded to the Judicial Custody of the Ld. Special Court and remain to be lodged at New Nabha Jail, Nabha. The conduct of the accused towards the instant investigation has been completely uncooperative with the sole purpose of thwarting the investigation. During the investigation the accused has been uncooperative and has been intentionally disclosing wrong information to mislead the investigation. While in custody the accused through the use of his influence has managed to delay the investigation. That the captioned FIR bearing No. 22/2025 dated 25.06.2025 was registered by the Vigilance Bureau under

Sections 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 based on credible intelligence and thorough verification, which established that the Accused herein, while serving as a public servant in his capacities as a Member of Legislative Assembly (MLA) and Cabinet Minister in the Government of Punjab from the year 2007 to 2017 has with the mala fide intent amassed assets—both movable and immovable —that are grossly disproportionate to the known and lawful sources of income of the accused approximately to Rs 540 crores which constitute offences under Sections 13(1)(b) and 13(2) of the Prevention of Corruption Act, 1988 (as amended in 2018). The Accused was elected as a Member of Legislative Assembly from Majithia Constituency in the year 2007 and was subsequently appointed as a Cabinet Minister, Government of Punjab till the year 2017. During the long tenure of the Accused of 10 years from 2007–2017, the Accused by virtue of his position and influence had accumulated illicit wealth in crores which was amassed through a sophisticated network of companies, their subsidiaries, family members, relatives, friends, and associates, including foreign entities. It is further relevant to submit that the investigation has revealed that the modus operandi of the accused herein involves benami transactions, routing illicit funds through shell companies and money through complex financial transactions. It is further revealed during investigation that during the tenure of the accused as the Minister of Conventional Energy Sector, the said SIL was found to have ventured into power sector shifting from its original nature of business. This was being done as the accused

by abusing his official position and with the sole intent to amass illegal wealth, has been instrumental in venturing into business where the illegal wealth can be generated through the use of official position. The role of the family members of the accused is under investigation and the investigation is at a crucial stage. That the accused, family members of the accused and close aides of the accused controlled and operated Saraya Industries Limited (SIL) having its registered office at Gorakhpur, Uttar Pradesh, its subsidiaries, which became a key entity in the main platform for handling and laundering the ill-gotten money. The accused and the family members of the accused including his father , his brother and HUF collectively hold approximately 73% shareholding in SIL reinforcing family dominance over the said company. The detailed investigation has revealed that the financial records reveal exponential surge in SIL's cash deposits during the accused's tenure as a public servant. In 2006–07, SIL recorded cash deposits of approximately ₹40 crores, which increased by 200% to ₹120 crores in 2007–08 and by 312% to ₹165 crores in 2008–09. The dramatic increase of cash deposits occurred only after the accused's assumption of public office in March 2007. Such an increase never happened before although admittedly the family of the accused was running the business of SIL since 1980. That further between 2007 and 2009, approximately ₹161 crores of unexplained cash were deposited into SIL's bank accounts. As per the books of accounts of the SIL the cash received by the company during the above period was ₹ 123.34 Cr. However, the amount deposited as cash in the bank was ₹ 285.06 Cr.

Hence unexplained cash deposit of ₹ 161 Cr. Investigation indicates that these funds were routed through multiple accounts linked to companies and individuals either known to or controlled by the accused. That it has come forth that during the period of his enjoying the public office, the accused who is the mastermind in amassing ill gotten money, got funds from Cyprus (in famous for money swindling) and other foreign companies and later on settled the same for very meager amounts. From investigation, it has surfaced that a huge amount of ₹ 141.08 crores has been accumulated by the accused through companies owned/controlled by him, his family, friends and associates, suggesting a mechanism to legitimize illicit funds. That during his 2nd tenure of attaining the public office in the year 2012, the accused in very clandestine manner, got deposited huge unexplained amount of ₹ 236 crores in the accounts of SIL. In the year 2012 – 13 and 2013 – 14, the total amount received by SIL from its business was ₹ 1106 crores whereas the amount deposited in the banks was ₹ 1342 crores and hence addition of unexplained amount ₹ 236 crores in the kitty of family run business of the accused. As per the investigation, the accused has accumulated the ill-gotten amount worth crores beyond his known sources of income. That on going through the election affidavits submitted by the accused Bikram Singh and his wife for the period 2007 – 2008 till 2011 – 2012, it has come forth that they have made assets, which are disproportionate to the tune of ₹ 1.47 Cr approximately to their known sources of income. The above disparity is apparent from the admission of the accused and his wife as declared by

them before the election commission and income tax department. There is a disparity in every head which the accused has very cleverly tried to conceal but because of the accumulation of huge amount of ill-gotten money, the said disparity is apparent on the face of it. The accused claims to have distanced himself from SIL by resigning as a director on 01.03.2007, prior to assuming public office. However, evidence suggests this resignation was a superficial act to comply with legal requirements while maintaining significant influence in the company. SIL has operations at Gorakhpur, UP, Registered office at Delhi, Chartered Accountants at Kanpur, even the Directors of the company had been staying in Delhi. There was no requirement for SIL to have any accommodation at Amritsar. Still a huge house in most Posh area of Amritsar has been taken on rent by SIL from 2007 onwards for personal use of the accused, which unequivocally speaks about the control of the accused over the said SIL. The accused availed himself of high-end vehicles and other assets owned by SIL and its subsidiaries, indicating ongoing control and benefit. The accused has been using the SIL as a vehicle to park, rotate and launder the ill-gotten money. All the above actions demonstrate that the accused used SIL as a vehicle to amass and route illicit wealth, undermining his claim of detachment. The accused, his family, and associates/associated entities operated more than 400 bank accounts in the names of individuals as well as entities, across multiple banks to route the ill-gotten money. These accounts were linked to entities and individuals acting as benami holders under the instructions of the

accused. The investigation has revealed, multiple bank accounts opened specifically to deposit and siphon funds. Investments and properties held in the names of third parties, who are proxies acting at the accused's behest. Financial instruments and transactions designed to obscure the trail of illicit funds, including backdated entries and suspicious loan disbursements. That the accused has acquired various properties in different names which are situated in different states, to name a few, the said illegally acquired properties are situated at Himachal Pradesh, Punjab, New Delhi which are worth hundreds of crores in the name of his wife, relatives, friends and associates only with the purpose of hiding his hugely amassed ill gotten money. The accused has been using 17 high end/luxury vehicles registered in the name of the accused, his family members, close aides, companies and their subsidiaries.That a comprehensive forensic and financial analysis of multiple companies, their directors, and transactions is in progress. Incriminating documents, digital records, and articles recovered during searches at premises linked to the a ccused corroborate the allegations of disproportionate assets. Multiple digital devices seized from the accused are undergoing forensic examination. These devices are likely to contain critical evidence, including communications with associates, financial transaction details, and records of shell entities used in the game plan of the accused. It is further humbly submitted that the offences under the Prevention of Corruption Act, particularly under Section 13(1)(e), are punishable with imprisonment extending up to ten years, and are classified as non-bailable

and cognizable and are not just against an individual but against the public at large. The Hon'ble Supreme Court has time and again emphasized that economic offences are not mere offences against individuals but against society, and hence require a different approach when considering bail. The contention of the accused that the allegations levelled in the present FIR are similar to those levelled in another FIR bearing No. 02/2021 are totally uncalled for and does not hold water. It is humbly submitted that the present FIR was registered by the Vigilance Bureau on the basis of credible intelligence and information and any claims to the contrary are false and uncalled for without any reasonable basis whatsoever. The law in this regard supports the case of the prosecution and the accused is raising a frivolous ground. That repeated averments in the bail application that there are no allegations against him would make no difference as there is substantial material of sterling quality against the Accused which substantiates that the accused has been involved in illegal enrichment. Further, any and all averments raised by the accused alleging any mala fide whatsoever on the part of the investigating agency are denied for being incorrect, as evident from the facts enumerated herein above that the accused is involved and guilty of the present offence. The accused maintained an extravagant lifestyle, including the use of luxury vehicles, properties, and other assets, which is inconsistent with his declared income and points to reliance on illicit sources. The accused by questioning and challenging the authority of the Investigating Team, despite the fact that the Investigating Team had disclosed their identity,

still the accused continued to challenge the action taken by the Investigating Team, was being done to intimidate the Investigating Team and to stall the search operation, thereby, derailing the investigation. The Accused being a former MLA/Cabinet Minister and a senior member of one of Punjab's oldest political parties, has wielded significant authority, giving him extensive influence over political and bureaucratic circles. The accused has time and again used his influence to obstruct the investigation. Witnesses have reported threats from unscrupulous elements linked to the accused, discouraging them from cooperating with the investigating agency. The accused has publicly threatened investigating officers, claiming their careers would be ruined when his party returns to power, as evidenced by video clippings. Some of the instances where the accused has openly used influence and issued threats are that the investigation team on 25.06.2025 had reached the premises of the accused at Amritsar for the purpose of conducting the search. The accused, his family members, close aides and supporters continued interfering in the search operation and objected to the Investigating Team conducting the search. To intimidate the investigating team, the accused directed his staff to ask his supporters to forcefully break the barriers and jump over the walls and gates to gain access into the premises where the Investigating Team was present and the search was being conducted and deliberately created law and order problems, preventing the raiding party from executing the search operation effectively. Such conduct is in gross violation of the law laid down in the Bharatiya Nyaya Sanhita, 2023,

dealing with obstruction to public servant in discharge of public functions, and deserves to be taken with utmost seriousness. The accused to create terror and influence the witnesses with the mala fide intent has got the clippings circulated in the social media of the accused threatening and obstructing the Investigating Team during the search and his arrest, has openly issued warnings and threats against the Government. The said illegal act has been done with the sole intent that the witnesses should not come forward to reveal the truth. The accused through the use of his influence has managed to conceal the relevant material which is important to unearth the facts both of the generation of the illegal amount and its utilization in the acquisition of the assets. The accused, his family members and close aides have not only threatened and intimidated the Police Officials but have also misbehaved and threatened the Special Public Prosecutors. Even during the period of police custody, the accused has managed to interfere with the search proceedings as during the search proceedings, the supporters of the accused had gathered and interfered with the search proceedings. That there is substantial risk to the witnesses if the accused is granted bail. Given the accused's substantial influence, there is a credible apprehension that, if granted bail, he may tamper with evidence, destroy material documents, or intimidate witnesses, severely undermining the investigation. Through the use of influence, the accused has access to confidential information which would hamper the investigation; thus, the accused should not be granted bail. There are other criminal matters which are pending against the accused and there are

allegations of the accused influencing the investigation officers and derailing the investigations. Due to the conduct of the accused and the influence being used for derailing the investigation is causing delay in investigation. The accused is a very influential person, who have been threatening the officers with dire consequences and is in a position to influence the witnesses. Further the investigation is ongoing on the said aspect also. The accused's access to resources and international connections, as evidenced by foreign transactions through Cyprus and Singapore, also raises concerns about a potential flight risk. That digital devices and documents seized are presently under detailed forensic and financial examination, the findings of which will have direct bearing on the identification, unearthing benami holders, and recovering concealed properties. Further, substantial incriminating evidence has been unearthed, including large-scale benami transactions, undervalued property purchases, creation of shell companies, suspicious foreign investments, unexplained share capital infusion, and substantial cash flow through dubious sources, the valuation of which is under process. The accused filed a baseless Writ Petition before the Hon'ble Punjab and Haryana High Court alleging illegal and politically motivated arrest while the arrest was done with due procedure and on the merits of the evidence. It is relevant to submit that the accused himself sought adjournments before the Hon'ble High Court and attempted to create a legal façade to hamper the investigation by filing frivolous petitions and attempted to malign the image of the organization and distract the investigation. Since the records

are voluminous the investigation is being conducted to identify the role of the other family members and the close aides of the accused who were involved in the crime. That despite sustained custodial interrogation, given the magnitude and complex layering of financial and property transactions, further confrontation with digital evidence and new documents may be warranted. It is submitted that the accused is withholding certain information which is in his exclusive knowledge and is extremely relevant. The process of analysing the voluminous material including the digital record and data, to investigate further on the money trail for the illegal acquisition of the assets the custodial interrogation of the accused may be required for confronting the accused with the material evidence. It is relevant to mention that vide the prayer of judicial custody was made, the Respondent/State reserved their right to approach the Ld. Court at an appropriate stage under Section 187 BNSS for further police custody remand, should the analysis of the evidence and digital data necessitate further custodial interrogation of the accused in future, in accordance with the procedure established by law. That there is credible material on record indicating that the accused has previously indulged in tampering with the evidence. It has come to light that records were either retroactively altered or destroyed. Properties were registered in the names of aides, relatives, and shell firms, with deliberate suppression of such information in official disclosures. Bank transactions were layered across various accounts to disguise the origin of funds. These acts are clear indicators of conscious concealment and manipulation, warranting

continued custody for effective investigation. The accused is already facing case under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 (FIR No. 02 dated 20.12.2021, registered under Sections 25, 27A, and 29 at P.S. State Crime, SAS Nagar). In that case, the accused was in custody for over five months before being granted regular bail on 10th August 2022 by the Punjab and Haryana High Court (CRM-M-21391-2022). The NDPS case remains sub judice, and the accused's history of threatening investigating officers in that case, as documented in evidence and witness statements, underscores his propensity to obstruct justice. The accused contention that the FIR is a politically motivated attempt to tarnish his reputation is baseless and unsupported by the substantial evidence of financial irregularities uncovered by the SIT. The registration of the FIR under the Prevention of Corruption Act is distinct from the prior NDPS case, as the offences involve separate legal frameworks and evidence. The Hon'ble Supreme Court's ruling in **State of Rajasthan Vs. Surendra Singh Rathore (2025 INSC 248)** supports the registration of a separate FIR for distinct offences, rendering the Accused's reliance on **TT Antony Vs. State of Kerala (2018 RCR (Criminal) 436)** and **Amithbhai Anilchandra Shah Vs. CBI (2013 (2) RCR (Criminal) 819)** inapplicable. The Accused claim that the grounds of arrest were not provided is factually incorrect, as police records confirm that written grounds were signed and supplied to the Accused and his wife, ensuring procedural compliance. The judgments cited, including **Prabir Purkayastha Vs. State (NCT of**

Delhi) (2024 SCC Online SC 934) and **Ashish Kakkar Vs. UT of Chandigarh (2025 Live Law (SC) 367)**, do not support his case given the documented adherence to arrest protocols. The accused claim that no new facts have surfaced and the facts which have been made the foundation of present FIR were always in knowledge of police and that the present FIR has been registered only to negate the bail orders passed in favour of the accused. It may be added here that the previous FIR in which the bail orders were passed was registered under NDPS act. The same cannot be said to have any bearing upon the facts of the present case as the ambit and scope of the present case is entirely different from the offences under the NDPS act. The contention of the accused that he was not produced before the court within 24 hours of the arrest is also not tenable as the accused was produced before the Hon'ble court within stipulated period of time as per the mandate of section 58 BNSS. Another ground raised by the accused in his bail application is that no prior enquiry was conducted by the investigation agency. It is worthwhile to mention here that in view of judgement titled **State of Karnataka versus SRI Channakeshava and another reported in 2025 I NSC 471**, there was no requirement of any enquiry, in view of the fact that the FIR and present case has been registered on the basis of facts and emerging in the investigation conducted by the SIT which had been duly joined by the accused with regard to case and FIR No. 2 of 2021, under section 25, 27A, 29 NDPS act, police station Punjab State Crime, SAS Nagar. That the accused is trying to seek bail on the ground that income tax returns of

SIL have been duly scrutinized and assessed by the income tax department and therefore no fault can be found in the amounts deposited in accounts of SIL. In this regard, it is submitted that the income tax department is only concerned with the tax collection on the amounts shown as income by any particular assessee. The income tax department is not duty bound to look into the source of money/income. In the present case, being a case of disproportionate assets, the investigation agency has focused on the illegal sources of income and ill-gotten money of the accused therefore the income tax assessments cannot be of any help to the accused. That the investigation is at a crucial and sensitive stage. The tracing of the full extent of disproportionate assets, the money trail, and the identification of all benami holders is still underway. There are leads pointing toward offshore accounts, foreign investments, and movable/immovable assets in other states, there are links at International level which is under investigation. The grant of bail to the accused at this stage will not be in the interest of investigation as it would hamper in investigation for uncovering these deeper financial irregularities. The accountants, chartered accountants, individuals, companies and their subsidiaries are closely connected to the accused. The accused is a mastermind of the entire sequel of transactions which he effected in connivance and conspiracy with his friends, relatives, associates, companies and its subsidiaries. The accused is in special knowledge of all the networks and web is created by him for handling ill-gotten wealth. The demeanor of the accused is not only influential but it is frightening

for the witnesses as has come forth during the recording of statements. The accused used to arm twist people, using his man and muscle power of individuals and officials all through his life after attaining the public office. The accused used to throw his weight around everyone by showing off his Z plus security, which caused all the citizens around to believe that no one can take the accused to task for his illegal activities. It is further relevant to submit that at this stage, the Ld. Court is not required to render a finding of guilt of the accused, nor is it required to conduct a mini trial in the present case or meticulously examine the evidence, rather has to examine whether the accused has made out reasonable grounds for believing that he is not guilty. That the accused, being a former Cabinet Minister and a senior political leader of the Shiromani Akali Dal, has enjoyed extensive authority and influence over bureaucratic, investigative, and political circles within the State of Punjab and beyond. It has come to the fore during the ongoing investigation that the accused has repeatedly abused this influence to obstruct justice, intimidate witnesses, and dissuade them from cooperating with the Vigilance Bureau. Several witnesses, including public servants and lower-level bureaucrats, have recorded statements under Section 161 CrPC (now Section 180 of BNSS, 2023), indicating that they were directly or indirectly warned not to depose or share information adverse to the interest of the accused. The copy of the videos of the accused and his team threatening and intimidating all concerned, thwarting and interfering in the investigation are annexed herewith in shape of pen drive as annexure **R1**. That the

accused, through his close aides and known associates, have been again and again threatening senior police officers and public servants who are associated with the investigation of the cases concerning the accused. The accused and his close aides have been threatening the senior police officials and warning the investigating officers that their careers would be destroyed once his party returns to power. These intimidatory remarks are not only deeply disturbing but amount to a direct challenge to the rule of law and the authority of the Ld. Court. That on the date of the search conducted at the accused's premises, the accused instigated a gathering of political supporters and deliberately created law and order problems, preventing the raiding party from executing the search operation effectively. The accused raised slogans, directed his aides to block the premises, and openly threatened the Investigating Officer. Such conduct is in gross violation of the law laid down in the Bharatiya Nyaya Sanhita, 2023, dealing with obstruction to public servant in discharge of public functions, and deserves to be taken with utmost seriousness. That it is pertinent to submit that during the course of search and seizure operations conducted by the Investigating authorities at the premises and properties associated with the accused, the assets, cash, gold and other valuables which were either declared by the accused or expected to be found on the basis of prior intelligence and material available on record, could not be recovered or traced. This raises a serious and well-founded apprehension that the said unaccounted assets have been wilfully concealed or diverted, thereby defeating the very object and purpose of the investigation. The

non-traceability of such assets goes to the root of the allegations concerning disproportionate assets and corrupt practices. This deliberate act of non-disclosure and concealment is a crucial ground that militates against the grant of bail, as the release of the accused at this juncture may further impede the recovery and tracing of proceeds of crime and frustrate the ongoing investigation. That the deliberate threats extended to witnesses and Investigating Officers by the accused are acts that squarely fall within the ambit of ‘tampering with evidence’ and ‘interfering with witnesses’ as recognized by the Hon’ble Supreme Court in **State of Bihar v. Amit Kumar alias Bachcha Rai (2017) 13 SCC 751**, where it was held that "a person who is in a position to influence witnesses, hamper investigation and pose threat to law enforcement agencies cannot be granted bail". The accused fits squarely within this category and the present bail application is liable to be outrightly rejected. That the accused’s stature as a public figure with access to financial resources and political leverage places him in a unique position to frustrate the investigation. The Hon’ble Apex Court in **Y.S. Jagan Mohan Reddy v. CBI (2013) 7 SCC 439**, has categorically held that in cases involving economic offences with wide ramifications and likelihood of tampering with witnesses and records, custodial interrogation is the rule and bail the exception. That owing to the threats faced by several witnesses and law enforcement officials, the Vigilance Bureau shall have to move requests for witness protection under the Witness Protection Scheme, 2018, as endorsed by the Hon’ble Supreme Court in **Mahender Chawla v. Union**

of India (2019) 14 SCC 615. It is submitted that any grant of bail at this stage would severely compromise the integrity and fairness of the ongoing investigation. That the accused has failed to cooperate with the investigation for production of financial documents, personal devices, and business records were met with non-compliance, evasive replies, and wilful concealment. His conduct has been non-cooperative, misleading, and designed to obstruct investigation. Such obstructive behavior further militates against the grant of bail. It is further humbly submitted that the accused herein in a planned manner and with mala fide intent has been using the mobile number 8360871344 for official purposes which during investigation was found that the said mobile number is registered in someone else's name who was when asked to join the investigation, has evaded the due process of law. The accused in a planned manner has adopted a modus operandi of using the mobile number, vehicles etc. for his personal use but the same have been owned by different proxies/close aides who have been associated with the accused and the said expensive assets are procured through the ill gotten money generated by the accused.Thus a prayer has been made to dismiss the bail application.

6 The rejoinder has been filed by the applicant stating that reply filed by the state was denied as incorrect and further stated that no document worth a mention, no statement or and no statement of any witness is annexed, leaving the applicant guessing regarding the material collected against him during the period of demand and from the date of registration of the FIR. The malafide intent to create hype and not place

anything of the court for the defence put up their version is totally illegal and unsustainable on the eyes of law. No material can be placed before the court in sealed cover or by hiding it from applicant as the same would be extremely against the rights of applicant. The investigating agency is totally influenced by the current dispensation. There is no free or fair investigation. Attempts are made to create and fabricate evidence and attempt to pass on material without sharing it with applicant only to deprive him his material rights the reliance has been placed upon the judgement of **Hon'ble Supreme Court of India in case, Madhyamam Broadcasting Ltd. Vs Union Of India reported in reported in 2023 volume 13 Supreme Court Cases page 401.** Further reliance has been placed upon the judgement of **Reliance Industries Ltd versus SEBI reported in 2022 volume 10 Supreme Court cases page 181**. It is further stated that there is no ambiguity in the settled proposition of law about the non-supply of documents and it is a gross abuse of principles of natural justice and the teeth of fair trial and proceedings before the court. The excuse of potential threat to the witnesses is unsubstantiated, frivolous, false and already discarded by the Hon'ble Punjab and Haryana High Court and the Hon'ble Supreme Court. The prayer has been made to decide the bail on merits and the material placed before the court and the material supplied to the applicant. Applicant has been falsely implicated in the failure and without any preliminary enquiry. The reliance has been placed on the judgement of **Chanan Singh versus state of Maharashtra reported in 2021(5) Supreme Court cases page 469 and state of**

Karnataka versus T.N.Sudhakar Reddy reported in 2025 SCC online SC page 382. It is also denied that FIR was registered on the basis of credible evidence or through verification as the contents of the FIR clearly suggests that it was on the directions of the DGP that the vigilance bureau, without conducting any enquiry or verification, registered the FIR. The investigating agency has not placed on record any enquiry or verification conducted before registration of the FIR. The claim of the investigating agency that the applicant amassed grossly disproportionate movable and immovable assets to the tune of ₹ 540 crores are a figment of the imagination of the investigating agency only to create sensation. There is no document or evidence, statement annexed with the reply to substantiate the wild and baseless allegation. Applicant has no concern whatsoever with any of the entries mentioned in the FIR or the reply. The prosecution has miserably failed to connect even remotely with any of the entities mentioned in the FIR. The business of earnings of these companies cannot be suggested to be earning of applicant as has been accepted by prosecution that applicant resigned from M/S Saraya industries Ltd in the year 2007 before entering public life. He has had nothing to do with the running of the affairs of the said as well. The prosecution has tried to link the applicant with all those companies on the basis of the fact that applicant used the guest house of SIL in Amritsar and that he used the vehicles registered in the name of SIL this is the level of tardy investigation for the wilful false implication of the applicant only to carry on the vilification campaign against the

political opponents of the current dispensation. The prosecution in order to establish the link has stated that M/s. SIL has no link as it has no business in Punjab and therefore the assumption has been drawn that there was no reason to take an accommodation on rent in Amritsar. It is the assumption that the prosecution believes that it has been able to deeply link the applicant with the companies mentioned above. In fact the family of applicant being the devout Sikh and regular visitors to gurdwara Sahib at Guruwali and spend a week in 10 days every now and then. The father of the applicant is running two dozen educational institutions and also a member of religious endowments in Amritsar. They have deep ancestral, social and personal roots in Amritsar and in their wisdom deemed it appropriate to have guest house on rent in Amritsar. Baseless allegations have been made that these companies and promoters have 400 bank accounts, it is most humbly submitted that all the bank accounts of these companies and the promoters have been minutely scrutinised and not one transaction with a mention has been found by the prosecution to establish that the applicant had control over the functioning of any of these companies. The prosecution has made a whimsical story regarding Benami transactions, routing illicit funds through shell companies, no document has been placed on record with respect to such false allegations. It is denied that applicant along with his family members own 73% of SIL he has only 11.63% shares of SIL and that also through inheritance and gift by forefathers as far as the shareholding of HUF is concerned not a single penny is received by the applicant SIL is in liquidation. It is

submitted that the SIL for the period 2000 7008 and in 2008 2009 deposited 161 Crores and bank. It is submitted that as per audited balance sheet turnover of SIL in 2007-08 was 353 crore and in 2008-2009 was 417 crores the total turnover in 2 years was 770 crores. All of the SIL business was in Uttar Pradesh. The income tax authorities have been duly informed by filing returns wherein the above stated amounts are duly mentioned and were scrutinized by the income tax authorities. As far as the suspicious one company based in Cyprus and Singapore are concerned they made investment in SIL and thereafter the accounts was settled between the banks and those companies as well as the allegation of with respect to sindicatum JB in Nawanshahar power private Ltd, it is submitted that SCC was founded in United kingdom 2005 and they intended to invest in India and collaboration with the above stated company in any concern with advertisement by Punjab Sugar Fed for setting up biomass based power project in 9 sugar mills in the cooperative Sector in Punjab and SIL won the right to put up 15 MW biomass plant in unverifiable the premises of Nawanshahar cooperative sugar mill and MOU between SIL and MCS was signed on 12.01.2009. But the deal culminated into arbitration and award in 2016 was passed and the petition qua said dispute is pending before the Hon'ble High Court and since the company was in continuous cash deficit due to repayment commitments as such sindicatum and it sold its 50% share to the mother and father of the applicant the petitioner was never in charge of the same. It has been submitted that SIL has been credited with 236

crores and there is no disclosure or explanation of the same. It is submitted that all the entries were made in the income tax returns and even the assessment has been done of the said entries it has been also been submitted that while calculating the assets of the wife of the applicant the opening balance has not been taken which is duly mentioned in the income tax returns of the applicant and even the amount withdrawn as employees provident fund has been wilfully concealed. Expense of one third of income is grossly exaggerated the total opening balance of PNB bank accounts is deliberately ignored. The increasing of the value of gold is due to the fact that prices of gold increased. The wilful omissions and deliberate false figures as mentioned above are deliberately not taken. No statement of the witness has been filed with the reply as such these statements cannot be taken into account. There are false claims of wife of applicant owning 402 hectare of land. The property in Majitha consultancy is fully explained. The applicant does not own any property New Delhi. The bail application of accused cannot be dismissed on the ground of that devices seized in this case are undergoing forensic examination. Even in order to create evidence to persons namely Dalwinder Singh and Manjinder Singh were taken into illegal custody and were later released on coming to know that petition has been filed before Hon'ble Punjab and Harayna High Court released them.

7 The arguments of the bail had been heard.

8 Learned counsel for the applicant while opening the arguments has come up with a case that the present FIR which has been

lodged by the Vigilance Bureau after the receipt of letter SIT formed in case registered under NDPS Act against the applicant/accused is barred by the law, since there is no concept of second FIR on same set of allegations. It has been argued that the allegations against the applicant/accused in the previous FIR registered under the provisions of the NDPS Act are that he was involved in illegal drug trafficking and he earned drug money from the illicit trafficking of the drugs and the offences against him were stated to be attracting the provisions of Section 27 A of the NDPS Act. It has also been argued that during the proceedings of the said case after the applicant/accused was granted bail by the Hon'ble Punjab & Haryana High Court, the state has moved Hon'ble Supreme Court of India by moving SLP whereby a prayer was made to grant the custodial interrogation of the applicant/accused in the said case and during the proceedings affidavits were filed in the Hon'ble Supreme Court qua the progress of the investigation and after hearing both the parties, Hon'ble Supreme Court of India has directed the applicant/accused to join the investigation with the investigating agency and he was directed to appear before the SIT, however, his custodial interrogation was denied. The perusal of the FIR shows that this FIR was registered after a letter was received from the head of SIT that applicant/accused and his family had amassed wealth more than their known sources of income and detail of theses entries and anomalies was given in the form of Annexure 1 to Annexure 4 on the basis of which second FIR was registered which is the present FIR. It is averred that

since this FIR is an off shoot of the facts and circumstances mentioned in the first FIR registered under the NDPS Act , as such, the present FIR is an abuse of process of law. The counsel for applicant/accused has referred to judgment passed by Hon'ble Supreme court of India in **T.T.Antony vs. State of Karela reported in 2001(3), RCR, Criminal , Page 436. He also referred to the judgment of Hon'ble Supreme Court of India in case titled as Amitbhai Anilchandra Shah Vs. The Central Bureau of investigation, reported in 2013(2) RCR(Crmininal), Page 819.**

9 On the other hand while contesting this claim of the accused the state has argued that contention that the FIR is a politically motivated attempt to tarnish his reputation is baseless and unsupported by the substantial evidence of financial irregularities uncovered by the SIT. The registration of the FIR under the Prevention of Corruption Act is distinct from the prior NDPS case, as the offences involve separate legal frameworks and evidence. The Hon'ble Supreme Court's ruling in **State of Rajasthan Vs. Surendra Singh Rathore (2025 INSC 248)** supports the registration of a separate FIR for distinct offences, rendering the Accused's reliance on **TT Antony Vs. State of Kerala (2018 RCR (Criminal) 436)** and **Amithbhai Anilchandra Shah Vs. CBI (2013 (2) RCR (Criminal) 819)** inapplicable.

10 After hearing the accused side as well as the state this court finds that the judgments relied upon by both the sides when applied to this case, which are as under:

In T.T. Antony v. State of Kerala (2001) 6 SCC 181 Honorable Supreme court of India records the position that a second FIR is not maintainable. The relevant extract is as under :*"A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that sub-section (8) of Section 173 CrPC empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In Narang case [(1979) 2 SCC 322 : 1979 SCC (Cri) 479] it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However, the sweeping power of investigation does not warrant subjecting a citizen each time to fresh investigation by the police in respect of the same incident, giving rise to one or more cognizable offences, consequent upon filing of successive FIRs whether before or after filing the final report under Section 173(2) CrPC. It would clearly be beyond the purview of Sections 154 and 156 CrPC, nay, a case of abuse of the statutory power of investigation in a given case. In our view a case of fresh investigation based on the second or successive FIRs, not being a counter-case, filed in connection with the same or connected cognizable offence alleged to have been committed in the course of the same transaction and in respect of which pursuant to the first FIR*

either investigation is under way or final report under Section 173(2) has been forwarded to the Magistrate, may be a fit case for exercise of power under Section 482 CrPC or under Articles 226/227 of the Constitution." **Hon'ble Supreme Court of India in case titled as Amitbhai Anilchandra Shah Vs. The Central Bureau of investigation, reported in 2013(2) RCR(Crmininal), Page 819.** it was held that "*The various provisions of the Code of Criminal Procedure clearly show that an officer-in-charge of a police station has to commence investigation as provided in Section 156 or 157 of the Code on the basis of entry of the First Information Report, on coming to know of the commission of cognizable offence. On completion of investigation and on the basis of evidence collected, Investigating Officer has to form an opinion under Section 169 or 170 of the Code and forward his report to the concerned Magistrate under Section 173(2) of the Code. Even after filing of such a report, if he comes into possession of further information or material, there is no need to register a fresh FIR, he is empowered to make further investigation normally with the leave of the Court and where during further investigation, he collects further evidence, oral or documentary, he is obliged to forward the same with one or more further reports which is evident from sub-section (8) of Section 173 of the Code. Under the scheme of the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 of the Code, only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 of the Code. Thus, there can be no second*

FIR and, consequently, there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences." **In State of Rajasthan Versus Surendera Singh Rathore (2025 INSC 2481)** it has been held that f*rom the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:*

1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.

3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.

5 Where the incident is separate; offences are similar or different.

11 After the combined reading of all these three judgments this court finds that the chronology of the events in this case is that the accused in this case was earlier nominated in FIR registered under NDPS act bearing No. 02 dated 20.12.2021 under Section 25, 27A and 29 of the NDPS Act with police Station Punjab State Crime Mohali. He was granted bail by the Hon'ble High court of Punjab and Haryana on 10.08.2022 and thereafter as per the orders of the Hon'ble Supreme Court of India he was joined in the investigation of that case and the questionnaire was supplied to him and he answered the questions and even submitted the documents and during the investigation of that case,

one letter was written to the DGP punjab and the same was sent to the Vigilance Bureau Punjab to take action as the scrutiny of the documents shows the difference between the income and expenditure of the accused and his family and as per the SIT there were disproportionate assets found and many bogus entries were stated to be found and since the allegation revealed cognizable offence as such the FIR was registered and the only point of consideration was that no fresh FIR was required to be registered and SIT could have continued with the same investigation in the earlier FIR and fresh FIR is abuse of process of law. This court has gone through the law cited by both the parties and combined reading of the authorities cited reveals that second FIR is not barred and if from further investigation any specific offence looks to be made out and which requires the investigation from a different prospective , the same is allowed under the law and permissible.

12 The next contention which has been raised by the counsel for applicant/accused is that the present FIR is not maintainable and is hit by the provisions of article 20(1) of the constitution of India and is also hit by principle of expost facto law. They have referred to the fact that in this case as per the contentions of the prosecution the check period is 2007-2017 and the provisions under which FIR is registered is Section 13(1)(b) read with Section 13(2) of the PC Act. The reference has been made to the statue itself whereby it has been submitted that earlier the Prevention of Corruption Act was enacted in 1988 and thereafter, the Act was amended in 2014 and thereafter, the Act was again amended in year 2018 which

was made applicable on dated 26.07.2018 and since the offence alleged to be committed by the applicant/accused is with regard to check period 2007 to 2017 as such, the provisions of amended Act of 2018 will not apply to the facts of this case. The FIR has been registered under wrong provisions of the Act and if the amended Act of 2014 is applied then the alleged offence is not covered under the PC Act . Reference has been made to the original Act enacted in 1988, the Act amended in the year 2014 and the Act amended in the year 2018. The counsel for applicant/accused has also made reference to the judgment passed by **Hon'ble Supreme Court of India in Tarlok Chand Vs. State of Himachal Pardesh reported in MANU/SC/1832/2019** . The reference has also been made to Article 20(1) of the Constitution of India.

13 The SPP for the state has argued that the said contention by the accused is not sustainable in the light of the law that the amendments in the PC Act were not to change the spirit and rigour of law, rather these amendments had made the law applicable to more stringent ways without changing the basic structure of the same as such the contention of the applicant cannot be helpful to him. He relied upon the judgment **State of Madhya Pradesh Vs Awadh Kishore Gupta and Others 2004(1) RCR Criminal 233** which states that *"Section 13 deals with various situations when a public servant can be said to have committed criminal misconduct. Clause (e) of sub-section (1) of the Section is pressed into service against the accused. The same is applicable when the public servant or any person on his behalf, is in possession or has, at any time*

during the period of his office, been in possession, for which the public servant cannot satisfactorily account pecuniary resources or property disproportionate to his known sources of income. Clause (e) of sub-section (1) of Section 13 corresponds to clause (e) of sub-section (1) of Section 5 of the Prevention of Corruption Act, 1947 (referred to as 'Old Act'). But there has been drastical amendments. Under the new clause, the earlier concept of "known sources of income" has undergone a radical change. As per the explanation appended, the prosecution is relieved of the burden of investigating into "source of income" of an accused to a large extent, as it is stated in the explanation that "known sources of income" mean income received from any lawful source, the receipt of which has been intimated in accordance with the provisions of any law, rules orders for the time being applicable to a public servant. The expression "known sources of income" has reference to sources known to the prosecution after thorough investigation of the case. It is not, and cannot be contended that "known sources of income" means sources known to the accused. The prosecution cannot, in the very nature of things, be expected to know the affairs of an accused person. Those will be matters "specially within the knowledge" of the accused, within the meaning of Section 106 of the Indian Evidence Act, 1872 (in short the 'Evidence Act'). The phrase "known sources of income" in section 13(1)(e) old section 5(1)(e)} has clearly the emphasis on the word "income". It would be primary to observe that qua the public servant, the income would be what is attached to his office or post, commonly known as

remuneration or salary. The term "income" by itself, is elastic and has a wide connotation. Whatever comes in or is received, is income. But, however, wide the import and connotation of the term "income", it is incapable of being understood as meaning receipt having no nexus to one's labour, or expertise, or property, or investment, and having further a source which may or may not yield a regular revenue. These essential characteristics are vital in understanding the term "income". Therefore, it can be said that, though "income" is receipt in the hand of its recipient, every receipt would not partake into the character of income. Qua the public servant, whatever return he gets of his service, will be the primary item of his income. Other incomes which can conceivably are income qua the public servant, will be in the regular receipt from (a) his property, or (b) his investment. A receipt from windfall, or gains of graft, crime, or immoral secretions by persons prima facie would not be receipt from the "known sources of income" of a public servant. The legislature has advisedly used the expression "satisfactorily account". The emphasis must be on the word "satisfactorily" and the legislature has, thus, deliberately cast a burden on the accused not only to offer a plausible explanation as to how he came by his large wealth, but also to satisfy the Court that his explanation was worthy of acceptance." **Hon'ble Supreme Court of India in Tarlok Chand Vs. State of Himachal Pardesh reported in MANU/SC/1832/2019** .it is held that "*22. It is only retroactive criminal legislation that is prohibited under Article 20(1). The prohibition contained in Article 20(1) is that no person shall be convicted of any*

*offence except for violation of a law in force at the time of the commission of the act charged as an offence prohibits nor shall he be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. It is quite clear that insofar as the Central Amendment Act creates new offences or enhances punishment for a particular type of offence no person can be convicted by such ex post facto law nor can the enhanced punishment prescribed by the amendment be applicable. But insofar as the Central Amendment Act reduces the punishment for an offence punishable under Section 16(1)(a) of the Act, there is no reason why the accused should not have the benefit of such reduced punishment. The rule of beneficial construction requires that even ex post facto law of such a type should be applied to mitigate the rigour of the law. The principle is based both on sound reason and common sense***."*** In **Harsh Vardhan Singh Bhadoria vs State of UP law finder Doc ID# 2309360(Honorable Allahabad High Court) held that** *"It is a cardinal principle of construction that every statute is prima facie prospective, unless it is expressly or by necessary implication made to have retrospective operation. Generally it is considered that every statute dealing with substantive rights is prima facie prospective unless it is expressly or by necessary implication made retrospective. It was submitted on behalf of the applicant that sub-section (b) of section 13 of Amended Act provides that if a public servant intentionally enriches himself illicitly during the period of his office, it shall be punishable under section 13(2) of the P. C. Act, whereas, in the pre-amended*

provisions of section 13 word intentionally was not there and thus, the amendment of 2018 can not be said mere procedural, in as much as, under the amended provision the prosecution has to prove intention on the part of the accused. As stated above, it is trite that generally every statute dealing with substantive rights is prima facie considered as prospective unless it is expressly or by necessary implication made retrospective."

14 Under the circumstances in this case this court has gone through the facts of this case on this point, it is the settled law that the opinion of the investigation is not binding upon the court and even if wrong provision of the law has been mentioned, it will not be beneficial to any party and the court is to see the applicability of the law to the facts of the case. In this case the main contention has been raised by the parties is that as per the check period mentioned in the FIR the period of the offence is 2007 to 2017, but as per the state when on the basis of the FIR the investigation was carried on more anomalies were found in the account statements and further more transactions were found which were used to rout the money through the companies floated by the applicant and his family and even close family friends, loans of crores of rupees are shown in the accounts but never returned, and the source of money was never shown and even the income department in assessment has found these transactions suspicious and the investigation is still going on, as such, the offence being continuing one the provisions of law as applicable today is applicable and the FIR is encyclopaedia of the facts and the

further investigation is based upon the documents submitted by the applicant during the investigation of the NDPS case which he joined as per the orders of the Hon'ble Supreme Court of India, there are benami transactions in the name of the family of the applicant and amount spent in these transactions does not corresponds with the Income Tax returns showing the income and expenditure. These arguments have force in the light of the arguments submitted by both the parties and the law cited by the parties, as both the parties are thriving on the income tax returns of the applicant, his wife and companies and since this is the stage of the bail as such here this fact can only be decided only after the investigation is complete.

15 The next contention ,the counsel for the accused has argued that it is also intriguing to note that the FIR is registered without conducting any inquiry whatsoever. The provisions of section 13(1)(b) of PC Act for which the applicant is implicated would reveal that the offence in this regard is complete, when the public servant cannot satisfactorily account for his excess income. This by necessary implication means, that in the case of disproportionate assets the accused has to be given a right to explain his source of income, if any. However, such was not the intention of the investigating agency and by passing all norms the instant FIR was registered without conducting preliminary Inquiry, without giving the applicant any notice or questionnaire as is done in such cases.

16 Whereas the SPP for the state has stated that ground raised by the Accused in his bail application is that no prior enquiry was

conducted by the investigation agency. It is worthwhile to mention here that in view of judgement titled **State of Karnataka versus SRI Channakeshava and another reported in 2025 I NSC 471,** there was no requirement of any enquiry, in view of the fact that the FIR and present case has been registered on the basis of facts and emerging in the investigation conducted by the SAT which had been duly joined by the Accused with regard to case and FIR No. 2 of 2021, under section 25, 27A, 29 NDPS act, police station Punjab State Crime, SAS Nagar. In **Central bureau of investigation vs Thommandru Hannah Vijaylakshmi Alias T.H. Vijaylakshmi 2021(18) SCC 135,** it was held that *the precedents of this Court and the provisions of the CBI Manual make it abundantly clear that a Preliminary Enquiry is not mandatory in all cases which involve allegations of corruption. The decision of the Constitution Bench in Lalita Kumari (supra) holds that if the information received discloses the commission of a cognizable offence at the outset, no Preliminary Enquiry would be required.* In S**tate of Karnatka vs Sri Channakeshava H.D. 2025INSC471 it was held that** *to sum up, this Court has held that in matters of corruption a preliminary enquiry although desirable, but is not mandatory. In a case where a superior officer, based on a detailed source report disclosing the commission of a cognizable offence, passes an order for registration of FIR, the requirement of preliminary enquiry can be relaxed.*

17 After going through the documents on record and law on this point this court finds that the combined effect of the law cited by the both

parties, this depends on the facts of each case that the preliminary inquiry is necessary or not. But here the chronology of the events as discussed above shows that the during the compliance of the orders of the Honorable Supreme Court of India, when the applicant had joined the investigation in NDPS case he was put with a questionnaire and he answered the same and said documents are attached by the applicant with his bail application and the perusal of the same shows that these questions are with regard to the income and properties of the applicant and his family and only after scrutinizing these documents the process for the FIR was initiated. In that case law cited in the case of **State of Karnatka vs Sri Channakeshava H.D. 2025INSC471** is applicable here.

18 The next contention which has been raised by counsel for applicant/accused is that when the accused was arrested in this case, he was never served with the grounds of arrest as required under the statute. The written grounds of arrest was never served upon applicant/accused. It has been stated that applicant/accused has to obtain copy of ground of arrest by moving application to the court. So, since the grounds of arrest have not been explained to the accused and the copy being handed over to him, the same is violation of the law settled by the **Hon'ble Supreme Court of India in Satinder Kumar Antil Vs. CBI reported in 2022(10), Supreme Court Cases, Page 51. Similarly, reliance has been placed upon the judgment of Hon'ble Supreme Court of India in Prabir Purkayastha Vs State (NCT of Delhi) reported in 2024 (8) SCC, page 254 and Vihaan Kumar Vs. State of Haryana and**

another reported in 2025(5) SCC, page 799 and also of judgment of Hon'ble Punjab & Haryana High Court titled as Gurkaran Singh Dhaliwal Vs. State of Punjab and another reported in law finder ID 2706816 and also the judgment of Hon'ble Supreme Court of India in Ashish Kakkar Vs. UT of Chandigarh reported in 2025, Live Law (SC) , page 367.

19 The state has argued that the accused claim that the grounds of arrest were not provided is factually incorrect, as police records confirm that written grounds were signed and supplied to the accused and his wife, ensuring procedural compliance. The judgments cited, including **Prabir Purkayastha Vs. State (NCT of Delhi) (2024 SCC Online SC 934) and Ashish Kakkar Vs. UT of Chandigarh (2025 Live Law (SC) 367),** do not support his case given the documented adherence to arrest protocols. The relied upon the judgments and facts that prior to the applicant being produced before the court his counsels had moved application to meet him in police custody and this application contains the full particulars of the case, which supports the contention that the grounds of arrest were duly served upon the accused.**In Prabir Purkayastha Versus State (NCT of Delhi) Criminal Appeal No. 2577 of 2024 (Arising Out of SLP(Crl.) No. .... of 2024) (D.No. 42896 of 2023). D/d. 15.05.2024** wherby it was held that *there is a significant difference in the phrase `reasons for arrest' and `grounds of arrest'. The `reasons for arrest' as indicated in the arrest memo are purely formal parameters, viz., to prevent the accused person from committing any*

further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tempering with such evidence in any manner; to prevent the arrested person for making 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 the Investigating Officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the `grounds of arrest' would be required to contain all such details in hand of the Investigating Officer which necessitated the arrest of the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus, the `grounds of arrest' would invariably be personal to the accused and cannot be equated with the `reasons of arrest' which are general in nature. **In Vihaan Kumar vs State of Haryana (2025)5 SCC 799** it was held that

a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);

b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved;

20 On this point this court reaches at a conclusion that the Grounds of arrest are mandatorily required to be served upon the accused in a language understandable to him and the Section 47 of the BNSS provides as under:

47. Person arrested to be informed of grounds of arrest and of right to bail.

(1)Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

(2)Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

21 This provision clearly reflects it is a mandatory provision and applicant has placed stress upon the same time and again that he was not provided with the grounds of arrest and he moved an application before the court and as per him the grounds of arrest were provided to him in the court for the first time and even he raised this plea at the time if the remand and the court of duty magistrate has recorded finding to the same. On this point the state has come up with a case that the accused was supplied with the copy of FIR and Grounds of arrest and even he was made available legal assistance and only after consulting his counsel he signed the grounds of arrest and his wife had also signed the said

document. It was also argued that the counsels representing the applicant had moved application before the duty magistrate seeking the permission to meet the the accused in police custody even prior to he was produced in the court for remand proceedings and the said application contains the fell particulars of the case. Even the same point was raised before the duty magistrate when the remand proceedings were going on and the learned Duty Magistrate after hearing the arguments have concluded that the grounds of arrest were duly served upon the applicant and this argument of the applicant was only for the convenience. So, in the light of above stated facts and circumstances, at this stage, it is to be considered that the grounds of arrest were duly served upon the accused as per the settled law.

22 The parameters of bail have been laid down by the Hon'able Supreme Court of India in a number of cases as in **Y.S.Jagan Mohan Reddy vs C.B.I (AIR 2013 SUPREME COURT 1933) it** has been held that "*15) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the*

presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."In **State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21**, it was held as under:

" *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are: (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence. (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. (c) Prima facie satisfaction of the court in support of the charge*. In **Satender Kumar Antil versus Central Bureau Of Investigation & Anr. (2022 LiveLaw (SC) 577)** it has been held that *What is left for us now to discuss are the economic offences. The question for consideration is whether it should be treated as a class of its own or otherwise. This issue has already been dealt with by this Court in the case of P. Chidambaram*

v. Directorate of Enforcement, (2020) 13 SCC 791, after taking note of the earlier decisions governing the field. The gravity of the offence, the object of the Special Act, and the attending circumstances are a few of the factors to be taken note of, along with the period of sentence. After all, an economic offence cannot be classified as such, as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the court to categorise all the offences into one group and deny bail on that basis. Suffice it to state that law, as laid down in the following judgements, will govern the field." **In P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791** it has been held that "*Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same in as much as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society in cases of financial irregularities, it has been held that even economic offences would fall under the category of "grave offence" and in such circumstance while considering the application for bail in such*

matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provide so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial." **In Sanjay Chandra v. CBI (2012) 1 SCC 40** it was held that *It is, no doubt, true that the nature of the charge may be relevant, but at the same time, the punishment to which the party may be liable, if convicted, also bears upon the issue. Therefore, in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration*. In **Manik Madhukar Sarve & others Versus Vitthal Damuji Meher & Ors (2024 INSC 6361) it**

was held that *Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned, possibilities/chances of tampering with the evidence and/or witnesses, antecedents, flight risk. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. I***n CRIMINAL APPEAL NO. 861 OF 2022 (arising out of S.L.P (Crl.) No. 9655 of 2021) Deepak Yadav Versus State of UP & Another, it was** held that *It is well-settled that the factors to be borne in mind while considering an application for bail are:*

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
(ii) nature and gravity of the accusation;
(iii) severity of the punishment in the event of conviction;
(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.

For grant or denial of bail, the "nature of crime" has a huge relevancy. Apart from the above, certain other which may be attributed to be relevant considerations may also be noticed at this juncture, though however, the same are only illustrative and not exhaustive, neither there can be any. The considerations being:

(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt

as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

23 From perusal of all the above said law this court while following the above said law finds that the law in regard to grant or refusal of bail is very well-settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind.

24 Learned counsel for the applicant/accused has argued that the investigating agency has not correctly perused the entire records of the applicant and under the influence taken into consideration those documents which are being fully explained by the applicant/accused and his family when they had filed the income tax returns with the income tax department, the entire income of check period as well as the expenditure has not taken into consideration. Annexure 1 to Annexure 4 which are appended with the FIR are not rightly perused and prepared and infact the incomes and expenditures of the companies of which the applicant has no concern are being considered. The applicant although was a Director of Saraya Industries Limited but he has resigned from the Directorship when

he joined the public life as an MLA, he resigned as a Minister on 18.01.2009. The capital of Saray Industries increased due to merger. The companies namely Saray Renewable at Gurdaspur, Batala, Ajnala and Nawanshehar were incorporated but the applicant is not a Director or partner or share holder in any of the companies. The tenders which are alleged to be given at the instance of the applicant to these companies were given to the companies in the open market auction. Even, there was litigation between sugar fed on one side and the Nawanshehar renewable power plant on the other side. The arbitration ended in favour of Sugarfed and the money earned through the trade was invested in those companies and on these grounds, the request of the investigating agency for custodial interrogation of the applicant already stands declined. Reference has been made to order dated 04.03.2025 passed by the Hon/ble Supreme court of India. As far as, the cash transaction of Saraya Industries are concerned, these transactions are due to the liquor business in UP and those transactions are due to the fact that mostly the purchases are made by public in cash. Even it is submitted that not a single penny was deposited in the account of SIL during the period, the applicant remained the minister. As far as the other companies are concern, they are the companies who has business of crore of rupees in the form of foreign directs investment and shares were sold to these companies. The counsel for the applicant/accused has produced on record, the account statements as well as income tax returns of the applicant as well as his wife during the period 2007-08 to 2016-17 in a tabular form and claimed that the

entire amount which has been stated to be access and formed in the part of disproportionate assets is duly explained and find mentioned in the income tax returns. It has also been argued that no document worth mention, no statement or statement of any witnesses annexed keeping the applicant guessing regarding the material collected against him. Attempt has been made to create fabricated evidence and attempt to pass on material without sharing it with the applicant only with an intention to deprive the applicant to contradict him with the material facts. The applicant has no concern whatsoever with any of the entities mentioned in the FIR. He has nothing to do with Saraya Sugar Mills Limited, Saraya Industrial limited, Saraya Aviation Private Limited, Peregrine, Saraya Organics Private Limited, Saraya Renewable Energy Private Limited , Gurdaspur Power Private Limited, Batala Private Limited, Nawashehar Private Power Limited, Prime Air Ambulance Limited, Clear Water Capital Partners, Sindicatum Carbon Capital Limited and Sindicatum Renewable Energy PTE. Limited. As such, the business and earning of these companies cannot be suggested to be the earning of the applicant, as admitted and taken by the Investigating agency. The investigating agency had tried to link the applicant with all these companies on the basis of fact that he used guest house of M/S Saraya Limited in Amritsar and even he used the vehicle of the said company. The contention that Sarya Industries Limited has no business in Punjab is an assumption to state that there was no reason to take an accommodation on rent in Amrtisar.

25 While refuting the allegations of the accused the state has argued that bail could not be granted the accused on the grounds that The investigation is at a nascent stage as the relevant material and documents which are material for fair investigation in the present matter is in the process of being recovered from the close aides of the Accused. The Accused by the use of his influence has been instrumental in passing on the directions to such close aides who have gone untraceable. The whereabouts of such close aides is being traced and grant of bail at this stage is detrimental.Thus a prayer has been made to dismiss the bail application.

26 Keeping in view the above stated settled law about the grant of bail in P. Chidambaram case and others cases referred above and keeping in view the law laid down by the Hon'ble Supreme Court of India in **Y.S.Jagamohan Reddy , Satinder Kumar Antil case**, this court finds that the case of the prosecution in this case is that the accused/applicant alongwith his other family members and by using the companies in the name of his parents and other relatives have rooted the ill gotten money and then converted the same into his use. The prosecution has mainly relied upon the fact that applicant/accused has used his official position as an MLA of ruling party and as a minister has given undue benefits to all the companies stated above and through them rooted the money and then purchased the properties for his own use as well as the use of his family. The prosecution has mainly relied upon income tax returns, account statements of these companies and the other documents of the purchase of

the properties and even the election affidavits. Even the applicant/accused had relied upon all these documents by stating that these documents were already scrutinized by the SIT in NDPS case and the SIT has misread these documents intentionally by leaving the relevant incomes at relevant time and miscalculated the assets and expenditures and then form basis without reasoning to proceed in this FIR.

27 The crux of the entire arguments by the State as well as the applicant shows that both the parties are relying upon the documents of the above stated companies and the documents submitted with the income tax department. The amount on the one hand side is claimed by the prosecution to be the amount of ill gotten money is claimed by the applicant to be either loans or business transactions interse the companies. It is alleged by both the parties that these entries are duly mentioned in the income tax returns of accounts of all the companies etc and even the assessment under the income tax act of these entires have been done. The applicant/accused while arguing on this point has referred to the assessment orders passed by the income tax authorities and even annexed them as Annexure P15 which are assessment orders for the year 2007-2008, 2008-09 assessment year 2013-14. The perusal of these income tax assessment orders passed by the competent authorities shows that when the income was assessed for the relevant year,it was found by the assessing officer that the assessee has furnished inaccurate particulars of the income and the penalty proceedings were initiated. As far as, the property at Mashobra is concerned, the Addl. PP for the State has argued

that the market value of the property was much more than the actual sale consideration which is reflected in the sale deed. As far as, the proceedings with regard to the foreign companies is concerned, the applicant has stated that these proceedings culminated into paripassu decree from the Hon'ble Delhi High court but the allegations shows that the shares were purchased at a much lower rate than they were sold. The combined reading of all these documents shows that on one side the companies/family of the accused are showing to be in lossess and on the other hand side, they are even giving and accepting loans without interest to the other companies. Similar is the situation with the family members of the applicant. The allegations are also that sainik farm in Delhi which is shown to be address of the applicant and his entire family is not stated to be registered in the name of any of his family members. The allegations on the record are also that during the period the applicant was in public office, the income of these entities increased manifold. There are also allegations that the applicant and his other family members have taken loans from these companies without returning the same for years together. These facts are also considered by the Income Tax authorities in the assessment orders. All these facts taken combinedly and the fact that the investigation is still under progress and the entries in the account of all the above stated companies and even the individual accounts of the applicant and his other family members are under scrutiny and there are allegations of routing of the money through these companies. In that case the law laid down by **Y.S. Jagan Mohan Reddy v. CBI (2013) 7 SCC 439,** is

applicable to the facts of case, since there are allegations of taking loans by other persons for development purposes and out of those loans and dealings the money was routed through companies and ultimately ended in the hands of the family of the applicant. All the contentions that the income of the family of the applicant were not taken into consideration is a fact to be considered during the trial when after the completion of investigation the table of assets and expenditures will be prepared. At this stage, the source of all these transactions is to be found out and in view of above stated allegations since the investigation is undergoing, as such, at this stage, no ground is made out to grant the concession of regular bail and the bail application stands dismissed.

28 Anything stated in this order shall have no affect on merits of the case. Bail application be attached with main file.

(Hardip Singh)
ASJ/JSC/SAS Nagar
(UID No. PB-0638)

Pronounced in open Court.
18.08.2025
Jyotsna/Stenographer-I
Directly Dictated

Present : Sh. D.S.Sobti, Sh. H.S.Dhanoa, Sh. A.S.Kaler
Advocate,counsel for applicant/accused.
Sh. Preet Inder Pal Singh, Sh. Ferry Sofat, SPP for the State assisted by Sh. Manjit Singh, Addl. PP for State alongwith DSP Inderpal Singh (IO of the case).

Arguments heard. Record perused. Vide my separate order of even date, the application for regular bail filed by the applicant is dismissed.

Bail application be attached with main file.

(Hardip Singh)
ASJ/JSC/SAS Nagar
(UID No. PB-0638)

Pronounced in open Court.
18.08.2025
Jyotsna/Stenographer-I

Directly Dictated