

IN THE COURT OF ALKA MALIK, SPECIAL JUDGE,
CENTRAL BUREAU OF INVESTIGATION COURT, CHANDIGARH
UID No.HR0089

CNR No. CHCH010030482011

CIS No. : PC/72 of 2013

Date of Registration : 04.03.2011

Date of Decision : 29.03.2025

Central Bureau of
Investigation Versus

1.Sanjiv Bansal son of Shri Balwant Rai Bansal,
(Since deceased, proceedings abated on
13.02.2017),

2.Ravinder Singh @ Ravinder Singh Bhasin,
aged 66 years, son of Late Sardar Kalyan Singh,

3.Rajiv Gupta, aged 55 years, son of Shi Tek
Chand Garg,

4.Nirmal Singh, aged 58 years, son of Shri
Charan Singh,

5.Ms.Nirmal Yadav, aged 75 years,

.....Accused

FIR No.

RC AC2 2008 A 0004 dated 28.08.2008

Under

120-B of IPC read with Section 8 & 9 of

Sections :

P.C. Act, 1988.

Final Report

11 & 12 of PC Act & Section 120-B read

under

with 192, 196, 199 & 200 of Indian

Sections

Penal Code.

Police

CBI, ACU-II, New Delhi.

Station:

Date of Offence	13.08.2008
Date of FIR	28.08.2008
Date of chargesheet	04.03.2011
Date of framing of charges	18.01.2014
Date of commencement of evidence	15.03.2014

Details of Accused:-

- 2. Ravinder Singh @ Ravinder Singh Bhasin, son of Late Sardar Kalyan Singh, resident of House No.255, New Rajender Nagar, New Delhi-110060.**

Date of arrest	19.09.2008
Date of Release on bail	06.11.2008
Offence charged with	120-B of IPC read with Section 12 of P.C. Act
Whether acquitted or convicted	Acquitted
Period of detention undergone during trial	19.09.2008 to 06.11.2008

- 3. Rajeev Gupta son of Shri Tek Chand Garg, resident of House no.138, Sector 25, Panchkula, Haryana.**

Date of arrest	21.08.2008
Date of Release on bail	13.10.2008
Offence charged with	120-B of IPC read with Section 12 of P.C. Act & 120-B read with Sections 193 read with 192, 196, 199 & 200 IPC
Whether acquitted or convicted	Acquitted
Period of detention undergone during trial	21.08.2008 to 13.10.2008

- 4. Nirmal Singh son of Shri Charan Singh, resident of House No.279, Sector 26, Panchkula, Haryana**

Date of arrest	20.08.2008
Date of Release on bail	16.10.2008
Offence charged with	120-B read with Section 193 read with Sections 192, 196, 199 & 200 IPC
Whether acquitted or convicted	Acquitted
Period of detention undergone during trial	20.08.2008 to 16.10.2008

5. Ms. Nirmal Yadav.

Date of arrest	N.A.
Date of Release on bail	27.08.2011
Offence charged with	Section 11 of P.C. Act
Whether acquitted or convicted	Acquitted
Period of detention undergone during trial	NIL

Argued by:-

Shri Narender Singh, Public Prosecutor for the CBI.
Shri A.S. Chahal, Advocate, counsel for the accused no.2.
Shri B.S. Riar & Shri Hitesh Puri, Advocates, counsel for the accused no.3.
Shri Hitesh Puri, Advocate, counsel for the accused no.4.
Shri S.K. Garg Narwana and Shri V.G. Narwana, Advocates, counsel for the accused no.5.

Present:-

Accused no.2 to 5 on bail.

JUDGMENT

The accused have been sent up by Central Bureau of Investigation (for short CBI), to face trial for alleged commission of offences punishable under Sections 11 & 12 of Prevention of Corruption Act, 1988 and Section 120-B read with Sections 193, 192, 196, 199 and 200 of Indian Penal Code for allegedly accepting or obtaining valuable things by A-5 while being as a public servant and for abetting the commission of aforesaid crime in conspiracy with each other by A-1 (since deceased), A-2 and A-3 as well as for allegedly fabricating the statement and documents in pursuance of their criminal conspiracy by A-1 (since deceased), A-3 and A-4.

Facts :

2. It is the case of the prosecution that on August, 13, 2008 at around 8.30 PM, Shri Parkash Ram, Clerk of Shri Sanjiv Bansal (A-1) (since deceased), who was the then Additional Advocate General Haryana, arrived at the residence of a sitting Judge of Punjab & Haryana High Court namely Mrs. Justice Nirmaljit Kaur (PW22) with a plastic bag in his hand. He was confronted by one Amrik Singh (PW3) reportedly peon on duty at the Camp Office of the Hon'ble Judge, who was informed by Parkash Ram that he was required to deliver certain documents there, which have been received from Delhi. The peon on duty took possession of the bag and informed the Hon'ble Judge about it. He opened the bag on instructions of the Hon'ble Judge, which was found containing currency notes. The Hon'ble Judge was reportedly taken aback and directed the peon to corner the person who had delivered the bag. The constable on duty Sh. Gurvinder Singh (PW4) and the peon duly caught the delivery man within the residential premises of the Hon'ble Judge. The police control room was instantly informed about the incident. It resulted in the recording of Daily Diary Report at Police Station, Sector 11, Chandigarh. Resultantly, Sub Inspector Joginder Singh (PW5) reported at the scene of incident and took custody of Parkash Ram along with the bag brought by him. Parkash Ram informed A-1 (since deceased) about his inadvertent and mistaken arrival at the residence of Mrs. Justice Nirmaljit Kaur (PW22). He repeated the same story about mistaken delivery to the

Incharge of the Police Station, Sector 11, Chandigarh on his arrival there. He also informed the police that he was employed as a clerk with the aforementioned A-1 (since deceased-accused) and that the latter's wife namely Smt. Renu Bansal (PW58) had directed him to deliver the bag. The Station House Officer (hereinafter referred as SHO) of Police Station Sector 11, Chandigarh Sh. Ramesh Chand Sharma (PW6) seized the bag and counted the notes, which were found to be Rs.15.00 lacs in all.

3. The SHO (PW6) then contacted A-1 (since deceased-accused) on phone, who was enroute to Chandigarh from Delhi and offered to present himself at the Police Station on his immediate arrival. A-1 (since deceased-accused) reached Police Station Sector 11, Chandigarh at around 10.30 PM and disclosed that he had gone to Supreme Court for official work and had also met his friend Ravinder Bhasin (A-2) at Karol Bagh Delhi, who gave him a packet of Rs.15.00 lacs for being delivered to one Nirmal Singh (A-4) at 8.30 PM at the residence of Advocate Sh. Pankaj Bhardwaj (PW43) bearing House No.162, Sector 18, Chandigarh. Since his arrival was delayed, he asked his wife to prepare a packet of Rs.15.00 lacs from the money kept at home and to send Parkash Ram, Clerk for delivery of the same at House No.162, Sector 18, Chandigarh, but Parkash Ram mistakenly arrived at House No.188, Sector 11, Chandigarh, the residence of the Hon'ble Judge. He recorded his version on a sheet of paper and delivered it to the

Incharge of Police Station, Sector 11, Chandigarh. All these facts were duly recorded in the Daily Diary Report maintained there.

4. It is further the case of prosecution that the SHO (PW6) then asked A-1 (since deceased) to call Nirmal Singh (A-4) for verification. Therefore, Rajiv Gupta (A-3) and Nirmal Singh (A-4) both came to Police Station. On enquiry A-4 stated that he is into property business and had helped A-2 and A-3 strike a property deal, thus, entitling him to 1% amount of the transaction, as his commission. Therefore, A-2 had sent Rs.15.00 lacs from Delhi for him. A-4 further promised to place all the relevant documents before the police on the following day.

5. It is further the case of the prosecution that on August 14, 2008 at 7.40 AM, peon in Camp Office of Mrs. Justice Nirmaljit Kaur (PW22) Sh. Amrik Singh (PW3) moved a written complaint in Police Station, Sector 11, Chandigarh interalia mentioning the circumstances under which Parkash Ram has presented himself with the bag at the residence of the Hon'ble Judge. On instructions from the SHO, Daily Diary Entry was entered in this regard as the matter was still under verification with him.

6. Simultaneously, on August 14, A-4 and A-3 came to Police Station and produced three documents, viz original unsigned agreement to sell dated 13.08.2008, property No.601, Sector 16, Urban Estate, Panchkula, copy of re-allotment letter dated 03.03.2000 by HUDA in favour of Sh. Anand Kumar Jain and photo copy of General Power of

Attorney, dated 05.06.2007 of Anand Kumar Jain in favour of A-3 qua property No.601 aforesaid. The same were duly seized by the police.

7. It is further the case of the prosecution that on August 16, 2008, the SHO Police Station, Sector 11, Chandigarh (PW6) briefed the then Additional Superintendent of Police (Central), Chandigarh Sh. Madhur Verma (PW15) of the entire events and asked for legal opinion in the matter. PW15 personally examined those persons and documents, but he was not satisfied with their explanations. He further sought opinion from Senior Standing Counsel, Union Territory, Chandigarh and based upon his opinion asked for the registration of the instant case. Consequently, FIR No.250 dated 16.08.2008 was registered in Police Station Sector 11, Chandigarh against accused Parkash Ram, Sanjiv Bansal (A-1) (since deceased), Ravinder Bhasin (A-2) and others for commission of offences punishable under Section 8 & 9 of Prevention of Corruption Act, 1988 and Section 120-B of Indian Penal Code. The matter was referred to PW15 for investigation. The currency notes, which were kept in safe custody by SHO PW6 were duly seized in this case. On the same day, Parkash Ram was duly arrested in this case by PW15 followed by the arrest of A-1 (since deceased) and A-4 on August, 20 and that of A-3 on August 21, 2008, whereas, A-2 surrendered in court on September 19, 2008.

8. PW15 recorded statement of few witnesses. Thereafter, the investigation of this case was transferred to the CBI by the order dated

August 26, 2008 of Governor of Punjab and Administrator Union Territory, Chandigarh. Therefore, records of the instant case was handed over by PW15 to Deputy Superintendent of Police (Special) ACU-II, New Delhi, Sh. S.C. Dandriyal (PW61) per memo dated August, 27. CBI then re-registered the FIR as RC-AC-II/2008 A004 on 28.08.2008 through SP, CBI/ACU-II, New Delhi under same Sections.

CBI Investigation :

9. It is further the case of the prosecution that during investigation carried out by CBI, it was revealed that in the year 1999-2000, A-2 was introduced to A-5, who was then Registrar General in High Court of Punjab & Haryana at Chandigarh and they developed closed contacts. In fact, on August 13, 2008 A-2 had to send Rs.15.00 lacs for A-5, so he contacted A-1 (since deceased), who was in Delhi to attend a matter in Supreme Court. They both partook lunch at Hotel Ridge View, owned by A-2 where he handed him packet of Rs.15.00 lacs for delivery to A-5 at Chandigarh. At around 6.00 PM, when A-5 enquired about status of money by A-2, then pressed A-1 (since deceased) for immediate delivery of the same at the residence of A-5. Since A-1 (since deceased) was then enroute to Chandigarh, he asked his wife to send money from house in a packet through his clerk Parkash Ram, who mistakenly reached at the house of another sitting Judge of High Court of Punjab & Haryana (PW22), resulting in registration of this case.

10. It is further the case of CBI that realizing the blunder, A-1 (since deceased-accused) cooked up a plea of Alibi and requested his friend Advocate Pankaj Bhardwaj (PW43) to tell the police that packet was to be delivered to A-4 in front of his residence and simultaneously instructed Parkash Ram to take this plea. He also rang up PW22 and tried to explain mistake of his clerk while withholding the relevant information that it was actually meant for delivery at the residence of A-5.

11. It is further the case of the prosecution that on learning about the mistaken delivery of packet, A-2 contacted the then Joint Commissioner of Police, Delhi namely Sh. Rajesh Kumar (PW24), who was earlier posted as Inspector General of Police, Chandigarh and sought his help in the matter. A-1 (since deceased) too talked to PW24, but could not convince him. In the meantime, A-2 briefed A-5 qua the entire incident in detail. When Parkash Ram took this plea of Alibi before the SHO (PW6), he in turn enquired from Advocate Pankaj Bhardwaj (PW43) who pleaded total ignorance in the matter.

12. It is further the case of the prosecution that A-1 (since deceased) also contacted his friend and business partner Sh. Rajiv Gupta (A-3) on August 13, informing him about the entire goof up and asked him to identify some person with the name of Nirmal Singh. Therefore, A-3 contacted various persons including one Surinder Kumar Sood (PW56) and identified his business associate Sh. Nirmal Singh (A-4) and apprised A-1 (since deceased) of the same. A-3 then persuaded A-4 to make a false

statement before the police stating that it was his commission money for property No.601, Sector 16, Panchkula, while offering him Rs.1.5 lacs for the same. A-4 agreed to make such statement before the police and had received a part payment of Rs.50,000/- on August 16, 2008.

13. Since, A-4 on enquiry sought time from police of Sector 11, Chandigarh to produce the requisite documents on August 14 and there was no such document in existence regarding the alleged deal between A-2 and A-3, so A-1 (since deceased-accused) and A-3 conspired to prepare a false agreement to sell. A-3 arranged a blank stamp paper dated 13.08.2008 in his name through his friend Sh. Ramesh Chander alias Sunny (PW7). on the morning of August 14th, which was delivered at the residence of A-1 (since deceased) by Sh. Ajay Kumar Bhagat (PW10). Thereafter, A-1 (since deceased) prepared the aforesaid agreement to sell on computer at his office with the help of A-3.

14. It is further the case of prosecution that on the morning of August 14, A-5 again asked A-2 for delivery of Rs.15.00 lacs, who in turn asked A-1 (since deceased) to ensure delivery of Rs.15.00 lacs at official residence of A-5 at Chandigarh. A-1 (since deceased) then sent A-3, who was present at his residence, to deliver a packet containing Rs.15.00 lacs at the residence of A-5 and also gave him the print out of aforesaid agreement to sell for handing over to the police. A-3 then delivered the packet containing Rs.15.00 lacs at around 9.15 AM at the official residence of A-5 and handed over the unsigned agreement to sell between

him and A-2 along with supporting documents to the police at Police Station, Sector 11, Chandigarh, which were duly seized by the police. It is also the case of the prosecution that A-2 was aware of property No.601 as he had played a part in decision of a petition relating to this property in favour of the client of A-1 (since deceased) and was also in contact with the other party in the dispute Sh. R.K. Mittal @ R.K. Jain (PW26).

15. It is further the case of prosecution that on learning about the registration of FIR by Chandigarh Police, both A-1 (since deceased) and A-3 left Chandigarh on August, 16 and stayed at Derabassi for one night and then left for Hisar on August, 17. A-1 (since deceased) and A-3 met their friends Sh. Vikram Beniwal (PW35), Sh. Satish Mittal (PW30) and Sh. Hemant Jindal (PW28) at Hisar on August 18 and disclosed before them about the entire goof up that how the money was mistakenly delivered at the house of PW22 instead of A-5, which was in fact sent by A-2 for the purpose of purchase of property at Solan. They also met their common friend Dr. Marknday Ahuja (PW44) at Delhi. It was resolved that they will surrender to the police and tell the truth and A-2 was asked to give an affidavit that he gave the money to A-1 (since deceased) for being delivered to A-5. A-2 wanted to discuss the matter with A-5 and tried to contact her through Personal Security Officer, but without success. So, he asked A-1 (since deceased) to prepare an affidavit. The draft thereof was got prepared by A-1 (since deceased), A-2 and A-3, but same could not be finally prepared. Consequently, A-1 (since deceased) and A-3 surrendered

before the police and revealed the true facts regarding delivery of Rs.15.00 lacs by A-2 to A-5.

16. It is further the case of the prosecution that in fact A-5 required Rs.15.00 lacs on 13.08.2008 for financing the purchase of 11.01 bighas of land at village Rihun Pargana Baholi, Tehsil and District Solan in Himachal Pradesh, which was highly undervalued on papers to make payment for the unaccounted part of the deal. Sale deed of this land was registered at Solan on August 14. Though, the property was registered in name of eighteen persons, but A-5 alone was interested in the same and name of others were included only to circumvent the requirement of Himachal Pradesh Tenancy and Land Reforms Act, 1972 and the Rules contained therein, which provide that a non-agriculturist can purchase a maximum of five hundred square meters of land only for building a residential house with the permission of the government. Therefore, the claim made by A-2 that he sent Rs.15.00 lacs as his share in the property at Solan, in which he was a co-purchaser, was found incorrect. In fact, actual value of land was less than six lacs and in no way, 1/18th share of A-2 would come at Rs.15.00 lacs.

17. It is further the case of the prosecution that A-5 had also obtained valuable things/pecuniary advantages from A-1 (since deceased) by way of purchase of executive class air ticket for her journey from Chandigarh to Delhi on August 2, by flight No.9H171 of MDLR Airlines. Payment for this ticket was made by A-1 (since deceased) through his

credit card. The return ticket of journey of A-5 from Delhi to Chandigarh on August 3, was purchased by A-2.

18. It is also the case of CBI that A-5 received Rs.2.5 lacs from A-2 without any consideration and the latter has also provided one mobile phone to A-5 for her personal use. This mobile number was in name of A-2. It was also revealed in investigation that during one of her foreign visits, A-5 had used a Matrix Mobile Phone card provided to her by A-2.

19. It is also the case of the prosecution that there was no evidence to establish mens-rea/knowledge on the part of Sh. Parkash Ram regarding the money to be delivered as he was mere carrier.

20. It shall be in place to mention here that on completion of investigation in this case, a closure report was filed by the CBI on December 17th, 2009 since the Government refused to grant prosecution sanction in the matter on the ground that after analysis of the available evidence, the Attorney General of India had observed that "*there is not a shred of evidence that the said alleged offences were committed by Sanjiv Bansal, Ravinder Singh and Nirmal Singh in conspiracy with Justice Yadav*" and that "*the matter had been discussed by the Hon'ble Minister for Law and Justice with the CJI, who had observed that no action was required for the present.*"

21. The closure report was duly submitted to the then CBI Judge, but the conclusions drawn therein by the Investigating Agency and the opinion of the Attorney General of India did not find favour with him and

he ordered further investigation into the matter per order dated March 26, 2010.

22. Accordingly, further investigation was carried out in the matter in relation to the property under dispute in Regular Second Appeal (hereinafter referred as RSA) No.550 of 2007. The further investigations revealed that property No.601, Sector 16, Panchkula was under allotment from HUDA to Smt. Ramni Malhotra. She sold that property to one Veena Goyal per transfer letter dated 22.10.1986 of HUDA Panchkula. The vendee further sold the same to the Jain's (Smt. Rajmati, Smt. Urvashi, Smt. Shashi and Sh. Anand Jain) in the year 1987. Although, Smt. Veena Goyal sought permission of HUDA for transfer of this property in the name of the Jain's and was also so permitted, but she clandestinely entered into an agreement to sell that piece of land to Sh. Raj Kumar Mittal @ Raj Kumar Jain (PW26) in the year 1987.

23. A dispute thus, arose between the parties over the ownership rights of that piece of land. PW26 filed a civil suit for specific performance of the agreement which was decreed by the trial court and judgment was upheld in first appeal, which further gave rise to RSA No.550 of 2007 and same was finally disposed of by the court of A-5 reversing the judgments of the trial court and the court of first appeal per judgment March 11, 2008.

24. As per the prosecution further investigation revealed that during pendency of RSA No.550 of 2007, this property was purchased

benami by A-1 (since deceased) in the name of A-3. It is the case of CBI that money for purchase of this plot was given by A-1 (since deceased) as he had transferred money to the account of A-3, who in turn made payments to Sh. Anand Jain. The prosecution has alleged that since A-1 (since deceased) was always maintaining close relations with A-5 and he had personal interest in the property in dispute, in RSA No.550 of 2007, A-5 deliberately decided the matter in his favour.

25. It is also the case of the prosecution that further investigation revealed that A-2 was close associate of A-5 and also a close friend of A-1 (since deceased). He remained in regular touch with respondent in RSA No.550 of 2007 Sh. R.K. Jain (PW26), till the matter was finally decided. In fact he pulled his weight with A-5 and obtained a favourable order from her in RSA No.550 of 2007. A-2 also persuaded Sh. R.K. Jain (PW26) to refrain from filing an appeal in the apex court challenging the order passed by A-5 and got an affidavit executed from him in this regard which was recovered from the residence of A-1 (since deceased).

26. On the basis of this re-investigation, CBI concluded that A-5 being a public servant in the capacity of a sitting Judge of Punjab & Haryana High Court obtained an amount of Rs.15.00 lacs and other valuable things without consideration from A-2 and obtained air ticket from A-1 (since deceased), who was not only an Advocate appearing before her, but was also directly interested in property No.601, Sector 16, Panchkula, the subject matter of RSA pending before her. These acts thus

constitute commission of offence punishable under Section 11 of Prevention of Corruption Act, 1988. The CBI investigation further concluded that A-2, A-1 (since deceased) and A-3 have committed offences punishable under Section 120-B of Indian Penal Code read with Section 12 of Prevention of Corruption Act, and A-1 (since deceased), A-3 and A-4 have also committed offences punishable under Section 120-B of Indian Penal Code, read with Section 192, 193, 196, 199 and 200 of Indian Penal Code. Since A-5 was a sitting Judge of Uttarakhand High Court, the sanction for her prosecution was obtained per letter dated 01.03.2011 of Department of Justice, Ministry of Law and Justice. Thus, aforementioned accused A-1 (since deceased) to A-5 were charge sheeted to face the trial for the aforesaid crime.

Charges framed by Court :

27. After perusing the charge sheet and hearing both sides, the court was of the opinion that there are grounds to presume that the accused had committed the offences and A-5 was accordingly charge sheeted for the commission of offence punishable under Section 11 of the Prevention of Corruption Act, 1988, whereas, A-1 (since deceased), A-2 and A-3 were charge sheeted for the commission of offences punishable under Section 120-B of Indian Penal Code read with Section 12 of Prevention of Corruption Act, 1988 and A-1 (since deceased), A-3 and A-4 were further charge sheeted for the commission of offences punishable under Section 120-B read with Section 193, read with Section 192, 196,

199 and 200 of Indian Penal Code, by the court of the then Special Judge, CBI, Chandigarh on January 18, 2014, to which they all pleaded not guilty and claimed trial.

28. It is in place to mention here that during trial of this case, accused Sanjiv Bansal died and proceedings against him were abated in terms of order dated February 13, 2017, hence this trial against A-2 to A-5.

Prosecution Evidence :

29. Prosecution initially examined Head Constable Bahadur Singh (PW1), Head Constable Satyabir (PW2), Complainant Amrik Singh (PW3), Head Constable Gurvinder Singh (PW4), Sub Inspector Joginder Singh (PW5), Inspector Ramesh Chand Sharma (PW6), Ramesh Chander @ Sunny (PW7), Stamp Vendor Ashok Kumar (PW8), Tehsildar Narayan Singh Chauhan (PW9), Ajay Kumar Bhagat (PW10), Pawan Malhotra (PW11), Surbhi (PW12), Ramesh Kumar Bhola (PW13), Dharam Paul (PW14), Assistant Superintendent of Police Madhur Verma (PW15), Mahesh Chander Singh Bounal (PW16), G.S. Dhillon (PW17), Ramesh Kumar (PW18), Computer Operator Ravinder Singh (PW19), Pardeep Kumar (PW20), Rakesh Kumar Sharma (PW21), Ms. Justice Nirmaljit Kaur (PW22), Subhash Chander (PW23), Inspector General of Police Rajesh Kumar (PW24), Sh. Satish Ahlawat, Additional District Judge (PW25), Sh. Raj Kumar Jain @ Raj Kumar Mittal, Additional District Judge (PW26), Senior Superintendent of Police (Vigilance) Surinderjit

Singh Mand (PW27), Hemant Jindal (PW28), Sanjay Bansal (PW29), Satish Mittal (PW30), Head Constable Murli Krishan (PW31), Head Constable Honappa Pujari (PW32), Advocate Jai Parkash Rana (PW33), Sanjay Baweja (PW34), Vikram Beniwal (PW35), Senior Advocate Manmohan Lal Sarin (PW36), Senior Advocate Arun Jain (PW37), Senior Advocate Ashok Aggarwal (PW38), Constable Udaibir Singh (PW39), Advocate Manjeet Singh (PW40), Onil Kumar Dewan (PW41), V.K. Gupta (PW42), Advocate Pankaj Bhardwaj (PW43), Dr. Markanday Ahuja (PW44), Nodal Officer Soravdeep Singh (PW45), Nodal Officer R.K. Singh (PW46), Sub Divisional Officer Gurinderpal Singh (PW47), Captain C.K. Bhandari (PW48), Anurag Ashishan Toppo (PW49) Assistant General Manager Ashok Kumar (PW50), Senior Vigilance Inspector O.P. Singh (PW51), Data Entry Operator Laxmi Kant (PW52), Subedar Kuldeep Singh (PW53), Vimal Bhardwaj (PW54), Assistant Engineer R.S. Gill (PW55), Surinder Sood (PW56), Raj Kumar Jindal (PW57), Renu Bansal (PW58), Advocate Santosh Tripathi (PW59), Advocate Rajesh Kumar (PW60), Assistant Director S.C. Dandriyal (PW61), Nodal Officer Saurabh Aggarwal (PW62), Inspector Arun Rawat (PW63), Additional Superintendent of Police Ashok Kumar (PW64), Senior Scientific Officer R.K. Srivastava (PW65), Superintendent of Police R.D. Kalia (PW66), Superintendent of Police K.Y. Guruparsad (PW67), Superintendent of Police Ramnish Geer (PW68), Inspector Vipin Kumar Verma (PW69).

The prosecution evidence was closed by learned Public Prosecutor in terms of his statement dated 07.09.2022.

30. Thereafter, in terms of order dated 17.02.2025 of Hon'ble Punjab & Haryana High Court, Chandigarh, prosecution was permitted to lead additional evidence. Consequently, prosecution examined Registrar General Manmohan Anand (PW70), Inspector Vijay Bahadur (PW71), Nodal Officer Sunil Rana (PW72), Divisional Engineer Charanjit Singh Binjhi (PW73), Inspector Sandeep Kumar Sharma (PW74), Inspector Sher Singh Yadav (PW75), Secretary Justice Neela Gangadharan (PW76), Nodal Officer Ritesh Kumar Bajaj (PW77) and Nodal Officer Sushil Kumar Chopra (PW78).

Statements of Accused

31. On completion of prosecution evidence, statements of accused under Section 313 (1) (b) of Code of Criminal Procedure.

32. A-2, A-3 and A-4 have claimed false implication in the crime and have urged that on the basis of fabricated evidence charge sheet has been filed against them. They have pleaded innocence and have urged that they have committed no such crime at any point of time.

33. A-5 has also claimed to be innocent and that she has been falsely implicated in this case. She has further claimed that the investigating agency has ignored the legal opinion dated April 20, 2009 rendered by the Attorney General for India, Milan K. Banerjee and opinion dated January 30, 2010 given by Sh. Goolam E. Vahanvati as well

as that of Sh. S.K. Sharma, the Director of Prosecution CBI. She has further urged that charge sheet in this case was presented against her by ignoring the closure report filed by CBI on December 17, 2009 despite the fact that no fresh evidence was ever collected by CBI to link her with this case. She has also claimed that there is no evidence to link the delivery of any money or any valuable thing with her official functioning and no valid sanction for prosecution was ever taken by the CBI.

Defence Evidence

34. Accused have opted to lead evidence in defence and examined Manager Ram Pal (DW1), Registration Clerk Mohan (DW2), Record Keeper Vikram Rana (DW3) and Ishwarpal Kaur (DW4). The evidence on behalf of defence was closed in terms of joint statement dated 11.02.2025.

35. Arguments have been advanced by Sh. Narender Singh, learned Public Prosecutor for Central Bureau of Investigation, Sh. A.S. Chahal, Advocate, learned counsel for A-2, Sh. B.S. Riar, Sh. Hitesh Puri, Advocates, learned counsel for A-3 and A-4 and Sh. S.K. Garg Narwana, Sh. V.G. Narwana, Advocates, learned counsel for A-5.

Points for determination :

36. From the case of prosecution, the following points for determination are made out in the instant case.

(a) Whether A-5 while being a public servant accepted Rs.15.00 lacs on August 14, 2008 in connection with her official function from

- Ravinder Bhasin (A-2) through Sanjiv Bansal (A-1 (since deceased-accused)) and Rajiv Gupta (A-3)?
- (b) Whether A-5 while being a public servant accepted Rs.2.5 lacs in April, 2008 from Ravinder Bhasin (A-2)?
- (c) Whether A-5 while being a public servant got air ticket purchased from Sanjiv Bansal (A-1 (since deceased)) for her flight on 02.08.2008 from Chandigarh to Delhi and got air ticket purchased from Ravinder Bhasin A-2 for her flight from Delhi to Chandigarh on 03.08.2008?
- (d) Whether A-5 being a public servant had accepted a mobile phone from Ravinder Bhasin (A-2)?
- (e) Whether A-1 (since deceased), A-2, and A-3 abetted the commission of crime by A-5 in conspiracy with each other as A-1 (since deceased-accused) and A-2 both gave her aforesaid air tickets, A-2 gave her aforesaid mobile and A-1 (since deceased), A-2 and A-3 managed delivery of aforesaid Rs.15.00 lacs to her?
- (f) Whether A-1 (since deceased), A-3 and A-4 in conspiracy with each other fabricated false statement of A-1 (since deceased) dated 13.08.2008 and fabricated false evidence i.e. draft agreement to sell dated August 13, 2008 both of which were given to police during enquiry in Daily Diary Report No.40 dated 13.08.2008?

Prosecution evidence :

37. In order to adjudicate the points for determination, let us peruse the important prosecution evidence in the backdrop of above discussed facts.

Complainant :

38. Sh. Amrik Singh (PW3) was working as Peon in Camp Office of Mrs. Justice Nirmaljit Kaur (PW22) at her official residence House No.188, Sector 11, Chandigarh since July, 2008.

39. On August 12, at around 8.30 PM, when Parkash Ram reached at the residence of Hon'ble Judge, PW3 confronted him who requested to deliver certain documents, received from Delhi and handed over a bag to PW3, who took possession of the same and informed the Hon'ble Judge about it. On receiving instructions from her, he opened the same, which was found having currency notes. The Hon'ble Judge was taken aback and directed him to corner the fellow who had brought the bag. PW3 along with the Constable on duty Sh. Gurvinder Singh (PW4) nabbed the delivery man within the residential premises of Hon'ble Judge. The Police Control Room was instantly informed.

40. This witness has further testified that police reached there in five minutes and took custody of Parkash Ram along with the bag brought by him. He recorded all these facts in the night time on a paper and the next morning at around 7.00 AM, he gave complaint Ex.PW3/1 to the police. He has further deposed that he knew Sh. Parkash Ram, clerk to Sh. Sanjiv Bansal, Advocate as he had also been working as clerk to the

Hon'ble judge Mrs. Nirmaljit Kaur, when she was practicing as an Advocate in the High Court and used to meet Parkash Ram.

41. In cross examination, he was unable to remember if he had mentioned the fact that Parkash Ram kept on waiting there till the time he returned after showing the bag to Hon'ble Judge, in his complaint.

42. **Mrs. Justice Nirmaljit Kaur (PW22)** was a sitting Judge of Punjab & Haryana High Court, Chandigarh on August 13, 2008, as she was elevated on July 10, 2008. She has testified that prior to her elevation she was Assistant Solicitor General of India and was a practicing lawyer. On August 13, 2008 at around 8.00 PM, when she was taking dinner with her father, her Peon of Camp Office Sh. Amrik Singh (PW3) apprised them of receiving some papers from Delhi in a bag. She instructed him to immediately open the same, which on opening was found having currency notes. The fellow was caught by PW3 and the Constable on duty on her quick instructions. On enquiry by her, he did not answer and just stood dumb there. Then her father gave him a tight slap and he muttered that A-1 (since deceased) had sent him. She then instructed the guard to inform the police. Perturbed with the incident, she came inside the house. After a few minutes she received a call from A-1 (since deceased), who disclosed that his clerk had come to her house by mistake although during the conversation A-1 (since deceased) was stammering a little. He also disclosed that the fellow was supposed to go to one Nirmal Singh. A-1 (since deceased) requested him to let him go, but since she has already

called the police she told him that he has to satisfy the police now, if it was a mistake.

43. PW22 has further testified that the police came and took custody of the fellow and the money. After pondering over the situation she then called at the residence of Chief Justice, but without success. So she called Justice Mehtab Singh Gill and briefed him about the incident. He gave him another number on which she tried to contact the Chief Justice, but could not. Though after a while she got a call from Chief Justice and briefed him about the incident. Thereafter, she apprised Justice Mehtab Singh Gill about the entire sequence of events who offered to talk to A-1 (since deceased). Justice Gill then reverted after talking to A-1 (since deceased) and apprised her that A-1 (since deceased) has admitted that money was sent by him, but it was wrongly delivered. She has also deposed about the manner in which her office Peon moved a written complaint to the police.

44. In cross examination, PW22 has rejected the suggestion that the complaint Ex.PW3/1 was procured by the police by ante-dating the same and that the FIR was subsequently registered under the pressure of media. She has admitted that she was also examined by a three Judges committee constituted by the Chief Justice of India, but has rejected the suggestion that the aforesaid committee has exonerated the accused.

45. **Sh. Raj Kumar Jain @ Raj Kumar Mittal (PW26)** Additional District Judge is a 1997 batch officer in Haryana. He has testified that he

entered into an agreement to purchase a property No.601, Sector 16, Panchkula from Reena Goyal on 01.05.1987 on payment of Rs.5,000/- as earnest money against total sale consideration of Rs.1,52,000/-. A dispute arose regarding the same and a suit for specific performance of contract and permanent injunction was filed by him, which was decided in his favour. The appeal filed by Mrs. Manju Jain, General Power of Attorney of Veena Goyal was dismissed. Thereafter, a Regular Second Appeal was filed by Veena Goyal through her GPA Mrs. Manju Jain, in which he engaged he engaged Sh. Ashok Aggarwal, Advocate, whereas, the other party had initially engaged Mr. Jain and then Sh. Sanjiv Bansal (A-1) (since deceased).

46. PW26 has further testified that Regular Second Appeal was decided by A-5 against him. During pendency of this RSA No.550 of 2007, once A-1 (since deceased) had called him on phone for compromise in the matter. One Mr. Ravinder Bhasin (A-2) to whom he had med at the residence of A-5 in the year 2004 when she was District Judge, Faridabad, used to participate and organize the function. He had also tried to mediate in the matter for the compromise. When aforesaid RSA was decided by A-5, A-1 (since deceased) again contacted him and offered to give him Rs.15.00 lacs in case he gives an affidavit in favour of his client for not pursuing the matter in Supreme Court of India. Since the offer was good as he had already lost the case and he was receiving money after the property would be sold by the opposite party, so, he agreed.

47. PW26 has further testified that from news item on 14th August, he was taken aback to learn that Rs.15.00 lacs were delivered at the residence of Mrs. Justice Nirmaljit Kaur (PW22) by the clerk of A-1 (since deceased) and on next day he also learnt from news paper that the amount of Rs.15.00 lacs was meant for A-5, which was delivered by A-3 at her residence. Later he also came to know that A-1 (since deceased) had purchased the property No.601, Sector 16, Panchkula in name of A-3 prior to the listing of the case before A-5. On enquiries, he also came to know that all the payments qua that property were made by A-1 (since deceased) from his account. From various informations collected through various sources, he further learnt that A-1 (since deceased) and A-2 were partners who used to purchase disputed properties jointly. Therefore, A-1 (since deceased) used to negotiate with him for his own interest, not on behalf of his client. So, he felt cheated as they all in conspiracy had got the above RSA decided in their favour, after paying Rs.15.00 lacs to A-5.

48. In cross examination, this witness has deposed that CBI first contacted him probably in September 2008. He himself has not reported to CBI after learning about money paid in connection with RSA No.550 of 2007. He was not informed by the CBI about money transaction but he came to know of the same from Justice Gokhley Committee proceedings that the money has been exchanged, which was read by him after his first statement was recorded by the CBI. He has further deposed that at the time of his first statement, he had not given the full details of the fact to

CBI as he was under pressure from A-5, who was a sitting Judge of the High Court at that time. He did not write to the High Court about this pressure after she was transferred to Uttarakhand High Court, but has volunteered that he informed the Supreme Court of India in this regard. In further cross examination, this witness has testified that the information to the apex Court was given by him in his Special Leave Petition (hereinafter referred as SLP) and he has not given anything in writing separately to the Supreme Court. In his further cross examination he could not give any specific reply of the alleged pressure maintained by A-5, though has tried to give very evasive replies.

49. In further cross examination, PW26 has testified that he did not seek permission for making three statements before the CBI in this case and has further replied that there is no such rule or law to take permission. He has denied the fact that his father was a property dealer. This witness was confronted on various material particulars from his previous statement Ex.PW26/D-1 recorded by CBI under Section 161 of Code of Criminal Procedure on 27.09.2008 and Ex.PW26/D-2 recorded on 17.05.2010 and Ex.PW26/D-3 recorded on 06.09.2010.

50. In further cross examination, he was unable to tell the date of filing of SLP before the Hon'ble Supreme Court while challenging the judgment dated 11.03.2008 passed in RSA No.550 of 2007. When he was asked about the fact as to why he has not mentioned in his statement given to CBI that money was given to A-5 for deciding the above RSA in

favour of opposite party, he has offered an explanation that he was under threat from A-5 who was a sitting Judge. In reply to a question put to him this witness has testified that he did not inform the High Court about the oral agreement of receiving Rs.15.00 lacs after sale of the property or qua an affidavit being given to A-1 (since deceased) by deposing that there is no such rule as the High Court is to be informed only of purchase of immovable property. He has also not informed the High Court about this litigation after joining the services by citing that there was no such rule. He has admitted in cross examination that in his first statement to CBI recorded on 27.09.2008 Ex.PW26/D-1 he has mentioned that he had not filed appeal in Supreme Court as there were little chance of success.

51. In further cross examination, when he was asked about various subsequent facts which he did not tell at the time of his first statement to CBI on 27.09.2008, he has tried to evade several such questions either by feigning ignorance or citing the reasons that it was due to pressure on account of A-5 being a sitting High Court Judge.

52. **Constable Gurvinder Singh (PW4)** was on duty at the relevant time at official residence of Mrs. Justice Nirmaljit Kaur (PW22) and has corroborated the testimony of complainant interalia detailing about the circumstances under which Parkash Ram had reportedly delivered a bag full of currency notes at the residence of the Hon'ble Judge on August 13. He has testified about informing Police Control

Room in this regard pursuant thereto, PW5 reported there and took custody of Parkash Ram along with the bag containing currency notes.

53. In cross examination, he has testified that Parkash Ram was not perturbed when enquired by him and police and kept on saying that he had come at a wrong place. He has also testified that Parkash Ram kept standing there and did not return back immediately after delivering the bag.

54. **Sub Inspector Joginder Singh (PW5)** was posted as such in Police Station Sector 11, Chandigarh at the relevant time and was assigned duty as Reserve Officer in Police Station. On August 13, 2008, when he was patrolling, he received a message from Control Room so he immediately reported at the place which was found to be official residence of the Hon'ble Judge (PW22). On instructions of the Hon'ble Judge, he took custody of Parkash Ram and the bag containing currency notes and brought him to Police Station, Sector 11, Chandigarh. On enquiry by the Station House Officer (PW6), Parkash Ram disclosed that he was a clerk of Sanjiv Bansal, Additional Advocate General, Haryana and that he had reached at the residence of Hon'ble Judge by mistake. The Station House Officer took possession of the currency notes and counted the same. Thereafter, on enquiry by the Station House Officer, A-1 (since deceased) came to the Police Station and divulged the information that the money was required to be given to Nirmal Singh at House No.162, Sector 18, Chandigarh. This witness has also deposed

about registration of Daily Diary Report No.49 dated 13.08.2008 Ex.PW1/4 and Daily Diary Report No.68 dated 14.08.2008 Ex.PW1/6.

55. In cross examination he has testified that Parkash Ram was taken by him to Police Station simply for verification purposes. On August 13, his verification was not complete and the Station House Officer asked him to come again.

56. **Inspector Ramesh Chand Sharma (PW6)** was posted as SHO of Police Station, Sector 11, Chandigarh at the relevant time. He received a message from Police Control Room on August 13, at around 8.30 PM about entry of one unknown person in House No.188, Sector 11, Chandigarh. In pursuance thereof, SI Joginder Singh (PW5) was directed to report at the place, who took custody of that fellow who had brought the bag of currency notes there and reached Police Station. In Police Station PW6 confronted the fellow who disclosed himself as Parkash Ram, clerk of Sanjiv Bansal (since deceased), Additional Advocate General, Punjab & Haryana High Court, Chandigarh and told that the packet of currency notes was given to him by Smt. Renu Bansal (PW5) wife of Sh. Sanjiv Bansal and he had reached at the residence of the Judge by mistake.

57. PW6 has further testified that he called up A-1 (since deceased-accused) to verify the facts, who was enroute to Chandigarh from Delhi and offered to present himself at Police Station soon. At Police Station A-1 (since deceased) disclosed to him that he had gone to

Supreme Court for his official work and had also met his friend A-2 at Karol Bagh Delhi, who gave him a packet of Rs.15.00 lacs for being delivered to A-4 by 8.30 PM at the residence of Pankaj Bhardwaj bearing House No.162, Sector 18, Chandigarh. Since his arrival was delayed, he asked his wife to prepare a packet from the money kept at home and to send Parkash Ram, clerk for delivering the same at House No.162, Sector 18, Chandigarh, but Parkash Ram mistakenly arrived at House No.188, Sector 11, Chandigarh. This witness has further testified that A-1 (since deceased-accused) also wrote this on a sheet of paper Ex.PW6/1 and delivered it to him.

58. PW6 has further testified that for verification he asked A-1 (since deceased) to call A-4, whereafter, A-3 and A-4 both reported at Police Station. On enquiry, A-4 stated that he is into property business and helped A-2 and A-3 strike a property deal and thereby entitling him to 1% of amount of transaction as his commission. So, A-2 had sent Rs.15.00 lacs from Delhi for him. A-4 assured PW6 to produce all the relevant documents before him on the following day. On August 14, 2008 A-4 and A-3 produced documents regarding property transaction viz original unsigned agreement to sell the property No.601, Sector 16, Urban Estate, Panchkula, copy of re-allotment letter dated 03.03.2000 by HUDA in favour of Sh. Anand Kumar Jain and photo copy of General Power of Attorney, dated 05.06.2007 of Anand Kumar Jain in favour of A-3 qua

property No.601 aforesaid. The same were duly seized by him vide seizure memo Ex.PW6/2.

59. PW6 then briefed Additional Superintendent of Police (Central), Chandigarh Sh. Madhur Verma (PW15) and sought legal opinion, who after due enquiry and seeking opinion, ordered for registration of the FIR. Consequently, instant FIR Ex.PW6/6 was lodged on 16.08.2008 at Police Station, Sector 11, Chandigarh. The currency notes were then made into a sealed parcel Ex.PW6/7 by him.

60. In cross examination, he has deposed that he came to know that SI Joginder Singh has caught the person and is bringing him to the Police Station as at that time he was patrolling, then he immediately rushed to the Police Station.

61. **Sh. Ramesh Chander @ Sunny (PW7)** is resident of Panchkula and is a shopkeeper in Sector 7, Panchkula. He knows A-3 since 1986, who was running a shop in his neighbourhood. On August 13, 2008, at around 4.30 PM, A-3 met him and requested to accompany him to Sector 1 Panchkula, for purchase of stamp papers, as he was not having vehicle at that time. When they reached there, A-3 received a telephonic call so requested him to purchase stamp paper for him. He then purchased stamp papers from the stamp vendor and signed the register. This witness has proved his signatures on stamp sale register Ex.PW7/1 in this regard. Next day, he received a telephonic call either from A-3 or someone on his behalf that some papers are left in his car and same will be given to one

Ajay, who will come to collect it. While cleaning his car, he found those papers and handed over the same at the given a Daily Diary Reportess at around 8.00 AM on that day.

62. In cross examination, he has clarified that the stamp paper was given by him to Rajiv Gupta immediately on coming to the car. He has never purchased ante-dated stamp papers. He has also admitted that in the stamp sale register, it is mentioned that the stamp papers were purchased for agreement.

63. **Shri Narain Singh Chauhan (PW9)** was working as Naib Tehsildar, Solan at the relevant time. He has testified that a sale deed No.939 Ex.PW9/2 for land measuring 15 Biswa situated in village Rihun, Pargana Bharoli Kalan, Tehsil and District Solan, Himachal Pradesh, was registered on 14.08.2008 and this land was purchased by eighteen number of purchasers for a total sale consideration of Rs.40,000/- only.

64. PW9 has further testified that another sale deed No.937 Ex.PW9/3 was registered on 14.08.2008 by virtue of which 10 Bigha and 5 Biswa land situated in same Mauza of Tehsil and District Solan, Himachal Pradesh was also purchased by eighteen number of purchasers for a total sale consideration of Rs.5,12,500/- only.

65. In cross examination, he was unable to tell as to who had applied for grant of permission for purchase of land referred in sale deed. He has admitted that Government of Himachal Pradesh charged and recovered deficient stamp duty and registration fee on the sale deed later

on. As per record during his tenure no illegality or irregularity in these sale deeds were brought to his notice.

66. **Additional Superintendent of Police, Chandigarh Sh. Madhur Verma, IPS (PW15)** was posted as such at the relevant time. He was informed about the incident of August 13, when Parkash Ram reportedly arrived at the residence of a sitting Judge of Punjab & Haryana High Court (PW22) along with a packet of currency notes. He has deposed about all the enquiries and verification made by the SHO (PW6), which were being made under his instructions. He has also personally examined the persons involved in the matter and the documents and after seeking opinion from Senior Standing Counsel, Union Territory, Chandigarh has ordered for registration of the FIR in this case on 16.08.2008, which was assigned to him for investigation. During investigation, PW15 had first seized the currency notes, vide seizure memo Ex.PW15/1. Thereafter, he has recorded statement of few witnesses and arrested Parkash Ram on August 16, followed by the arrest of A-1 (since deceased) and A-4 on August 20 and A-3 on August 21.

67. PW15 has further deposed that the investigation of this case was transferred to CBI by the order of Governor of Punjab and Administrator Union Territory, Chandigarh. Therefore, records of the instant case was handed over by him to Deputy Superintendent of Police (Special) ACU-II, New Delhi, Sh. S.C. Dandriyal (PW61) per memo

dated August, 27. CBI then re-registered the FIR as RC-AC-II/2008 A004 on 28.08.2008 through SP, CBI/ACU-II, New Delhi under same Sections.

68. In cross examination, he has testified that he being the supervisory officer of the investigation of the cases of Police Station, was supposed to be informed about the important happenings in the police stations under his jurisdiction. He has also testified that no Daily Diary Report was entered in Police Station Sector 11, Chandigarh regarding the fact that A-1 (since deceased), A-2, A-4 and Parkash Ram had reported at Police Station Sector 11, Chandigarh on 14th and 15th August, 2008.

69. **Additional Superintendent of Police S.C. Dandriyal (PW61)** is the Chief Investigating Officer of this case as he had investigated the case in the initial period for about two months from 28.08.2008, when it was re-registered by CBI till 06.11.2008. During his investigation, he has recorded various disclosure statements of accused including that of A-4 pursuant thereto Rs.43000/- were recovered and has also deposed about other disclosure and pointation cum recovery memo and various other investigation work such as recording statements of various witnesses in this case.

70. In cross examination, he has testified that he had not done any independent investigation with regard to contents of various daily diary entry lodged in Police Station Sector 11, Chandigarh. He had not seen any Daily Diary Report regarding visit of A-3 and A-4 in Police Station Sector 11, Chandigarh. He has feigned ignorance if any further

investigation was done in this case after the first closure report Mark DA/PW61.

Submissions on behalf of prosecution :

71. Learned Public Prosecutor while referring to various oral and documentary evidence has urged that the prosecution has been able to bring home the guilt to the accused, as from direct as well as circumstantial evidence it is establish on record that in fact Rs.15.00 lacs was the money meant for A-5, which was sent by A-2 from Delhi through A-1 (since deceased) and reached her residence at Chandigarh through A-3 on August 14, 2008. In fact on August 13, 2008 the money was mistakenly sent to the house PW22. He has further urged that in fact A-1 (since deceased) in his confessional statement made before SHO, Police Station Sector 11, Chandigarh has disclosed the wrong facts that the money was required to be delivered to A-4. In fact, due to blunder committed by Clerk Parkash Ram, A-1 (since deceased) had fabricated a story and also instructed his clerk to repeat the same plea before the police. In pursuance of this fabricated story, A-1 (since deceased) gave statement Ex.PW6/1 in his own handwriting to the police. Further more, when SHO (PW6) asked about the documents regarding the deal, A-1 (since deceased), A-3 and A-4 had fabricated forged agreement to sell dated 13.08.2008. He has further urged that affidavit seized from the pen drive of A-1 (since deceased) also go to show that they were conspiring and were in a bid to make up a story so as to avoid the goof up in the

matter, but various circumstances and documents have established their guilt. Learned Public Prosecutor has relied upon the following cases:-

a) **In Kehar Singh vs State vs. State (Delhi Admn.), (1988) 3 SCC (Criminal) 711** it was held by the apex court of the land that the most important ingredient of the offence of conspiracy is the agreement between two or more persons to do an illegal act.

b) **In K. Veeraswami vs. Union of India, (1991) 3 SCC 655** it was held by the apex court of the land that article 124 (5) of the Constitution is wide enough to include within its ambit every conduct of a judge amounting to misbehaviour including criminal misconduct and prescribes the procedure for investigation and proof thereof.

72. Learned Public Prosecutor while referring to the testimonies of PW24, PW27, PW28, PW30 and PW35, has urged that extra judicial confession was made by A-1 (since deceased) and A-2 before these witnesses.

73. He has further urged that from the testimonies of Nodal Officers of various service providers coupled with the call detail records, customer application forms, certificate under Section 65-B of Indian Evidence Act, it has been proved on record that the accused were conspiring with each other and were making various calls in pursuance thereof, which is a great circumstance to establish the link. In support of these contentions, learned Public Prosecutor has relied on following cases:-

a) **In Ram Lal vs. State of H.P., (2019) 17 SCC 411**, it was held by the apex court that extra judicial confession of the accused need not in all cases be corroborated.

b) **In Madan Gopal Kakkad vs. Naval Dubey, (1992) 3 SCC 204 & Piara Singh vs. State of Punjab, (1977) 4 SCC 452** it was held by the highest court of the land that the law does not require that the evidence of an extra judicial confession should in all cases be corroborated.

c) **In State of U.P. vs. Singhara Singh, 1963 SCC OnLine SC 23** it was held by the Supreme Court of India that a confession duly recorded under Section 164 would no doubt be a public document which would prove itself under Section 80 of the Evidence Act.

74. He has further urged that A-5 obtained air tickets from A-1 (since deceased) and A-2, which fact is also proved on record from oral as well as documentary evidence. Learned Public Prosecutor has also referred to confessional statement of A-4 and recovery of money from his house in pursuance thereof which is also a link in the chain of circumstances in this case. He has further urged that after the initial burden is discharged by the prosecution, the presumption under Section 20 of Prevention of Corruption Act, 1988 is liable to be invoked in this case. Thereafter, the onus was on the accused persons to disclose under Section 106 of the Indian Evidence Act as to what were the special facts in their knowledge about the money trail of Rs.15.00 lacs. He has further urged that this ill gotten money of Rs.15.00 lacs was utilized by A-5 in

purchasing land by virtue of two sale deeds Ex.PW9/2 and Ex.PW9/3, which were highly undervalued. Learned Public Prosecutor has relied upon the following cases:-

a) **In R.S. Nayak vs. A.R. Antulay, (1986) 2 SCC 716** it was held by the highest court of land that if public servants are allowed to accept present when they are prohibited under a penalty from accepting bribes, they would easily circumvent the prohibition by accepting the bribe in the shape of a present.

b) **In State of West Bengal vs. Mir Mohammad Omar, (2000) 8 SCC 382** it was held by the apex court that Section 106 of the Evidence Act is designed to meet certain exceptional cases in which it would be impossible for the prosecution to establish certain facts which are particularly within the knowledge of the accused.

c) **In M. Narsinga Rao vs. State of A.P., (2001) 1 SCC 691** it was held by the apex court that legal presumption is to be understood as in *terrorem* i.e. in tone of a command that it has to be presumed that the accused accepted the gratification as a motive or reward for doing or forbearing to do any official act.

75. He has further urged that after initial closure of the case, CBI has conducted further investigation in the matter and has collected relevant evidence specially in the shape of PW26, which clearly establishes the guilt of the accused. The sanction to prosecute A-5 is

rightly granted in this case. Learned Public Prosecutor has relied upon the following cases:-

a) **In C.S. Krishnamurthy vs. State of Karnataka, (2005) 4 SCC 81**

it was held by the apex court that the sanction order should speak for itself and in case the facts do not so appear, it should be proved by leading evidence that all the particulars were laid before the sanctioning authority for due application of mind.

b) **In State, Govt. of NCT of Delhi vs. Sunil, (2001) 1 SCC 652** it

was held by the apex court that the official acts of the police have been regularly performed, is a wise principle of presumption and recognized by the legislature.

76. Learned Public Prosecutor has lastly urged that some discrepancies in the prosecution case are there due to human fallibility but same are not fatal to the instant case. In support of this contention, he has relied upon decision of the apex court reported in case **Rakesh vs. State of UP, (2021) 7 SCC 188** wherein it was held that the court is required to consider the entire evidence as a whole with the other evidence on record.

Submissions on behalf of A-5

77. It has been urged on behalf of A-5 that prosecution has led absolutely no evidence to establish that money was delivered at the residence of A-5 in the morning of 14.08.2008. He has further urged that Head Constable Murli Krishan (PW31), who was posted as Guard on duty at the residence of A-5 on 14.08.2008 from 10.00 AM to 1.00 PM did not

support the prosecution version in this regard. Similarly, Head Constable Honappa Pujari (PW32), who was guard on duty on 14.08.2008 from 7.00 AM to 10.00 AM has also not supported the prosecution case in this regard. Moreover, Constable Udayvir (PW39), the then PSO of A-5 has not supported the prosecution version and has been declared hostile.

78. Learned defence counsel has further urged that in fact from testimony of PW9, the then Naib Tehsildar, Solan it has been proved on record that on 14.08.2008, two sale deeds No.939 and 937 were executed for a total sale consideration of Rs.40,000/- and Rs.5,12,500/- respectively and there is no evidence available on record that these purchases were undervalued. Further various material witnesses of the prosecution have not supported the story of giving Rs.15.00 lacs for A-5. PW58 most important witness, who is wife of A-1 (since deceased-accused), has not supported this prosecution version. The only witness of prosecution in this regard Sh. Raj Kumar Jain, (PW26) is an interested and effected party, who has not deposed the truth. There is no proof on record that the RSA was preponed by A-5 or that it was wrongly decided to favour A-1 (since deceased-accused) or any other party as has been alleged.

79. Learned defence counsel has further urged that the CBI has failed to link Rs.15.00 lacs with RSA decided by A-5. In fact, on 17.12.2009, CBI filed closure report and though, learned Special Judge ordered further investigation to collect more evidence to link the delivery of Rs.15.00 lacs to the official function of A-5, but no evidence was found

by the CBI. Moreover, the judgment given in RSA by A-5 is upheld by Supreme Court on 23.02.2023 in Civil Appeal No.2421 of 2011. Consequently, there is no evidence either oral or documentary to establish that Rs.15.00 lacs were delivered to A-5.

80. Learned defence counsel has further urged that in fact there is no evidence on record to prove that mobile phone of A-2 was used by A-5. No such mobile phone was recovered by CBI and the only witness cited by CBI in this regard Sh. Onil Kumar Dewan (PW41) has not stated anything about mobile number used by A-5. This witness was neither declared hostile nor was confronted from his previous statement where he has deposed that A-5 was using mobile Phone No.9811522262. Similarly, there is absolutely no evidence to connect delivery of Rs.2.5 lacs to A-5 as all the prosecution witnesses examined in this regard PW19, PW20 and PW21 have not supported the prosecution version and were declared hostile.

81. He has further urged that there is no proof that the air tickets allegedly purchased by A-1 (since deceased) and A-2 were in fact utilized by A-5. The record produced by the prosecution is not admissible for want of a valid certificate under Section 65-B of Indian Evidence Act.

82. The learned defence counsel has further urged that the confessional statement of A-1 (since deceased) allegedly relied upon by prosecution is not at all admissible against the co-accused and cannot be read into evidence. In support of these contentions, reliance is placed on

Haricharan Kurmi vs. State of Bihar, AIR 1964 SC 1184, Pancho vs. State of Haryana, AIR 2012 SC 523 and Mahesh Inder Singh vs. State of Punjab, 2004 (2) RCR (Criminal) 824 (P&H). The ratio of these judgments is that confession of co-accused cannot be treated as substantive evidence and accused cannot be convicted on basis of extra judicial confession of co-accused when there is no other evidence of sterling quality on record.

83. Learned defence counsel has further urged that the sanction order in the case is neither valid nor has been proved in accordance with law. Moreover, the Investigating Agency has ignored the legal opinions dated April 20, 2009 given by Milan K. Banerjee, Attorney General of India, January 30, 2010 rendered by Sh. Goolam E. Vahanvati and that of Sh. S.K. Sharma, Director of Prosecution CBI. After first closure report, there was no evidence or material collected by CBI over which sanction could be granted and in fact there is absolutely non application of mind in granting of sanction, if any, in this case as earlier on the same material sanction to prosecute A-5 was refused.

84. In support of these contentions, reliance is placed on case **T.K. Ramesh Kumar vs. State Tr. Police Inspector, Bangalore, 2015 (2) RCR (Criminal) 464 (SC), CBI vs. Ashok Aggarwal, AIR 2014 SC 827, K. Veeraswami vs. Union of India, 1991 (2) RCR (Criminal) 559 (SC) and State through Inspector of Police, A.P. vs. K. Narasimhachary, 2005**

(8) SCC 364. Ratio of these judgments is that sanction for prosecution must be valid to prove it in accordance with law.

85. Learned defence counsel has lastly urged that extra judicial confession made by co-accused cannot be admitted in evidence and the statements recorded under Section 161, 164 of Code of Criminal Procedure and those recorded in police custody are not substantive piece of evidence. Moreover, the documents, which are only exhibited on record and have not been proved in accordance with law, cannot be admitted into evidence. In support of these contentions, following cases are relied:-

a) In **Chanderpal vs. State of Chhattisgarh, 2022 (3) RCR (Criminal) 141 (SC)**, it was held by apex court that extra judicial confession made by co-accused can be admitted in an evidence only as corroborative piece of evidence.

b) In **Lohit Kaushal vs. State of Haryana, 2011 (8) RCR (Criminal) 1234 (SC)** it was held by the Supreme Court of India that statement made to the police can only be used to the limited extent provided under Section 27 of the Evidence Act and that to only against the maker.

c) In **Saroj Kumar Das vs. State of West Bengal, 2017 (2) RCR (Criminal) 8 (Calcutta)**, it was held by the Division Bench of Calcutta High Court that statements recorded under Section 161 & 164 of Cr.P.C are not substantive evidence and can only be used either to contradict or to corroborate the maker thereof.

d) In **Podda Narayana and others vs. State of A.P., 1975 SCC (Criminal) 427** it was held by the apex court of the land that the statements recorded by the police during investigation is not at all admissible in evidence.

e) In **Karnail Singh vs. M/s. Kalra Brothers, Sirsa, 2009 (2) RCR (Civil) 380 (P&H)**, it was held by our own High Court that mere marking of a document as exhibit does not dispense with its formal proof.

Submissions on behalf of A-2, A-3 & A-4 :

86. Learned defence counsel have argued on the same line as have been advanced on behalf of A-5. They have further urged that in fact, the case of the prosecution is based on circumstantial evidence, but is not proved on record as in a case related to circumstantial evidence, there must be a chain of circumstances and each link in the chain must be independently proved that too beyond shadow of doubt and the entire chain shall leave to only one hypothesis i.e. the guilt of the accused. However, in the instant case what to talk of completing the chain, in fact, there is no chain at all as all the link evidence have not supported the prosecution case. In fact all the private witnesses examined in this case, have not supported the prosecution case and in fact more than fifteen witnesses have turned hostile, whereas several other witnesses have not supported the prosecution case. They have neither been declared hostile nor cross examined on behalf of prosecution.

87. Learned defence counsel have further urged that in fact there is no direct no circumstantial evidence to establish the alleged conspiracy and abetment on part of these accused. Prosecution has withheld material documents as well as witnesses, for example, enquiry and opinion for registration of FIR by Chandigarh Police is not produced.

88. They have further urged that the only evidence brought on record against A-3 is that he handed over one pen drive which was containing an affidavit, but from the testimony of Sh. R.K. Srivastava (PW65), it is proved that the draft affidavit allegedly prepared on 19.08.2008 was last modified on 05.12.2008 when it was seized by CBI. Therefore, possibility of tampering in the documents cannot be ruled out and there is no inculpatory material brought on record against the accused.

89. Learned defence counsel have further urged that in so far as evidence against A-4 is concerned, prosecution has allegedly shown recovery of Rs.43,000/- in pursuance of his statement, but there is no identification of the money allegedly recovered and there is no proof that the same was recovered from a house either owned or possessed by him. In absence thereof such recovery is totally inconsequential.

90. Learned defence counsel has further urged that there is no direct or circumstantial evidence to connect A-2 him the crime in this case and the entire prosecution case is based upon assumptions and hypothesis only and sans legal evidence.

91. In support of these contentions reliance is placed on following cases:-

a) **In State of U.P. (State Appeal) vs. Smt. Chhoti & another, 2020 (3-5) ILR (Allahabad) 330** it was held by the Allahabad High Court that extra judicial confession can be considered against co-accused if tried jointly for the same offence.

b) **In Nek Chand @ Neka and another vs. State of Haryana, 2015 (2) RCR (Criminal) 691 (P&H)** it was held by the Punjab & Haryana High Court that accused cannot be convicted on the basis of the confessional statement of the co-accused.

c) **In Surinder Kumar vs. State of Punjab, Criminal Appeal No.667 of 1997** decided by Hon'ble the Supreme Court of India on 18.11.1998 it was held that extra judicial confession is a very weak type of evidence.

d) **In Sagayam vs. State of Karnataka, 2000 (2) RCR (Criminal) 840 (SC) & Ramesh Poddar vs. The State of Bihar, 2014 (11) RCR (Criminal) 832 (Patna)** it was held that preparation of the crime is not an offence.

f) **In Jaharlal Das vs. State of Orissa, 1991 SCR (2) 298 & State of Rajasthan vs. Rajaram, Law Finder Doc Id # 63909** it was held by the apex court that in case of circumstantial evidence, each of all the links in the chain of circumstances should be independently establish beyond shadow of reasonable doubt.

h) **In Akil @ Javed vs. State of NCT of Delhi, 2012 (6) Recent Apex Judgments 504** it was held the apex court that if a witness is hostile, but is not so declared by the prosecution, the benefit must go to the accused.

i) **In Jotish Chandra Chaudhury vs. State of Bihar, Law Finder Doc Id # 109106** it was held by the apex court that for establishing guilt under Section 199 of Indian Penal Code, it must be proved that false statement is touching any material point for which that declaration is made.

j) **In Central Bureau of Investigation vs. V.C. Shukla, Law Finder Doc Id # 36103** it was held by the apex court that in case of corruption, co-accused can be held only when case against the main accused is proved.

k) **In Manohar Lal vs. State, Law Finder Doc Id 47024** it was held by the Delhi High Court that when sanction of prosecution is without application of mind same is not proved in accordance with law.

l) **In Balakrishnan vs. State of Kerala, Law Finder Doc Id # 1086099** it was held by Kerala High Court that when the prosecution sanction cannot claim sanctity and privilege of a public document, it will have to be proved in the manner prescribed under the Indian Evidence Act, for proof of documents.

m) **In Suresh Budharmal Kalani @ Pappu Kalani vs. State of Maharashtra, 1998 (4) RCR (Criminal) 433 (SC)** it was held by the apex

court that a statement which is self inculpatory is inadmissible in evidence as confession.

Reasons and findings :

Point for determination : -

- (a) Whether A-5 while being a public servant accepted Rs.15.00 lacs on August 14, 2008 in connection with her official function from Ravinder Bhasin (A-2) through Sanjiv Bansal (A-1 (since deceased-accused)) and Rajiv Gupta (A-3)?

92. There is unimpeachable evidence available on record that one Parkash Ram, a clerk of A-1 (since deceased) had actually arrived at the official residence of Hon'ble Judge (PW22) on the evening of August 13 with a plastic bag containing notes of the value of Rs.15.00 lacs in cash. Shri Amrik Singh (PW3) was the Peon in attendance at the Camp Office of the Hon'ble Judge (PW22), who had received the visitor and had opened the bag believing it to be carrying some documents. The bag was found carrying currency notes, which fact alerted the Hon'ble Judge (PW22), who lost no time in moving the investigation machinery of the state in motion by reporting the matter to the police.

93. It is also an established fact that Sub Inspector Joginder Singh (PW5) reported at the scene of incident, took immediate custody of the career as well as the currency bag and presented the entire material before the SHO of Police Station, Sector 11, Chandigarh. A physical verification of the bag resulted in actual recovery of Rs.15.00 lacs in cash. It is the case of the CBI that the entire amount was mistakenly carried to

the residence of Hon'ble Judge (PW22), although the delivery was to be made at the residence of Mrs. Justice Nirmal Yadav (A-5), then a sitting Judge of Punjab & Haryana High Court, as illegal gratification in Regular Second Appeal No.550 of 2007, decided by her. The entire emphasis of the CBI is on the statement of Shri R.K. Jain (PW26) serving as Additional District Judge in the State of Haryana. It is a fact that RSA No.550 of 2007 had been decided by the court of A-5 against the interest of PW26 on March 11, 2008. It shall be absolutely relevant to mention here that this case was registered on August 16, 2008, meaning thereby that it was registered five months after the decision delivered by A-5 in the RSA under reference. This fact assumes great significance in the ever changing stance of PW26 who had made elaborate improvements in the first version given by him to CBI in this case as has been recorded in Ex.PW26/D-1 on September 27, 2008.

94. A perusal of the statement made by this witness during the trial of this case, which has been elaborately discussed by this court while scrutinizing his evidence above, shows that he is a witness who is absolutely unworthy of trust. The witness has very specifically mentioned during the course of his examination that he had made a statement before CBI probably in the month of September, 2008 wherein he had omitted all the relevant facts, which he had stated before the Investigating Officer during his supplementary statement made by him in the year 2010 as has been recorded in Ex.PW26/D-2. He did not mention about his doubts that

the RSA was decided against him for illegal gratification received by the Presiding Judge. He made a very feeble attempt to explain the grave anomaly by urging that he learnt from the Gokhle Committee Report that a sum of Rs.Fifteen lacs was delivered to A-5 by A-2 through A-1 (since deceased-accused), whereafter, he connected the dots and came to believe that the amount was in fact an illegal gratification in the RSA decided against him. The aforementioned Gokhle Committee Report was never placed before this court nor it would have any bearing on the decision of this case. The contentions of PW26 that he kept mum under pressure from A-5, a Judge of the High Court, fails to inspire confidence since he failed to elaborate upon the type of pressure which was brought upon him. No action of any type was ever initiated by any Agency of the High Court against him during the intervening period. He was not transferred out mid-term during that period. In fact he could not state even one fact which could be termed as "pressure" exerted on him by A-5 during that period. Such general allegations can be made by any person at a minutes notice. The entire statement of PW26 is a clear improvement on the first statement made by him during the investigation of this case.

95. This court has no hesitation in observing that the CBI picked up a person who was highly aggrieved by a court decision made against his interest by A-5 and used his services to weave a case against A-5. After all, who will buy the story of the CBI that a sum of Rs.15.00 lacs was paid as illegal gratification to a Judge for a decision pronounced by

her more than five months ago and that too on the basis of the statement by a very interested witness, who had made no such charge during the recording of his first statement by the CBI, but who created the charge during the supplementary statement recorded after two years.

96. It shall be absolutely relevant to mention here that the supplementary statement of PW26 was recorded by CBI after its first investigation had found all the accused in this case innocent and had submitted the closure report before the court on December 19, 2009. It is different story that the closure report did not find favour with the then CBI Judge, who ordered further investigation in the matter. A perusal of the judicial record would show that CBI relied upon no new evidence during re-investigation of this case, but for recording a totally new and highly improved version of PW26. Let it be stated at the cost of repetition that the evidence of PW26 is a bundle of improvements made by him on his previous version and his statement is absolutely unworthy of trust and credence. This court has no hesitation in rejecting the testimony of this highly interested and motivated witness.

97. It will be absolutely immature and imprudent on the part of even a layman to accept the contention that a sitting Judge of the High Court will receive financial illegal gratification/undue advantage in a matter which was decided five months prior to the alleged financial transaction much less a legal mind, which has been trained to separate the grain from the chaff and fish out the truth in the matter. In the light of

these observations the evidence of PW26 shall become absolutely irrelevant and redundant in this case.

98. The prosecution has based its case on both direct as well as circumstantial evidence. However, in order to establish a case on circumstantial evidence, links in the chain of circumstances have to be proved beyond all shadows of reasonable doubt to bring home the guilt to the accused. It is fairly settled position of law that in case of circumstantial evidence, the circumstances from which conclusion of guilt of the accused is to be drawn, should be fully established, as has been observed by the apex court in case reported as **Sharad Birdhi Chand Sarda vs. State of Maharashtra, 1985 SCR (1) 88**, wherein five golden principles i.e. 'Panchsheel' of proof of a case based on circumstantial evidence were laid down as under:-

- (a) The circumstances from which the conclusion of guilt is to be drawn should be fully established.
- (b) The facts so established should be consistent only with the hypothesis of the guilt of the accused i.e. to say they should not be explainable on any other hypothesis except that the accused is guilty.
- (c) The circumstances should be of a conclusive nature and tendency.
- (d) They should exclude every possible hypothesis except the one to be proved.
- (e) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused. (page 53)

99. The case of prosecution is based on both direct and circumstantial evidence. Some of the main links in the chain of circumstances can be summed up as under :

- (i) On 13.08.2008 A-2 handed over Rs.15.00 lacs to A-1 at Delhi.
- (ii) A-5 calls A-2 and ask for immediate delivery of the money, which prompted A-2 to request A-1 (since deceased) for the same.
- (iii) A-1 (since deceased) who was enroute from Delhi to Chandigarh directed his wife Renu Bansal to send a sum of Rs.15.00 lacs through Parkash Ram.
- (iv) A-1 (since deceased) pursued the plea of Alibi and involved A-3, A-4 and Advocate Pankaj Bhardwaj (PW43).
- (v) A-3 contacted Surinder Sood (PW56) and searched for a property dealer and found A-4.
- (vi) A-3 purchased ante-dated stamp paper from stamp vendor on 14th August, 2008 through Ramesh Chander @ Sunny (PW7), which was delivered to A-1 (since deceased) by A-3 through Ajay Bhagat (PW10).
- (vii) On August 14, 2008 an amount of Rs.15.00 lacs was reportedly delivered at the house of A-5 by A-3.
- (viii) On August 14, 2008 a draft agreement was delivered by A-3 at Police Station, Sector 11, Chandigarh.

- (ix) The events unfolded at Hisar and Delhi in the shape of extra judicial confession before PW24, PW25, PW27, PW28, PW30, PW35.
- (x) A-1, A-2 and A-3 have drafted an affidavit to make certain disclosures.
- (xi) There are close relations between A-5 and A-2 and he pulled his weight with her to obtain favourable order in RSAS No.550 of 2007.
- (xii) A-1 was interested in property No.601, subject matter of RSA No.550 of 2007 and purchased the same benami during pendency of the same in name of A-3.

100. These are the beads in the chain of circumstances weaved by the investigating agency in this case, which were required to be proved beyond reasonable doubt to establish the theory propounded by the CBI. Incidentally, there is not even a grain of evidence available on record to connect these various dots and establish a foolproof case against the accused. These loose ends have remained loose in this case and they, thus, tend to prove absolutely nothing.

101. Needless here to say that the link evidence is totally missing in this case since the bulk of the evidence relied upon by the CBI have refused to support the prosecution version and were largely declared hostile witnesses who are namely Ramesh Chander @ Sunny (PW7), Ajay Kumar Bhagat (PW10), Ravinder Singh from (PW19), Pardeep Kumar

(PW20), Rakesh Kumar Sharma (PW21), Head Constable Murli Krishan (PW31), Head Constable Honappa Pujari (PW32), Advocate Jai Parkash Rana (PW23), Constable Udayvir Singh (PW39), Onil Kumar Dewan (PW41), Advocate Pankaj Bhardwaj (PW43), Dr. Markanday Ahuja (PW44), Kuldeep Singh (PW53), Vimal Bhardwaj (PW54), Surinder Sood (PW56), Raj Kumar Jindal (PW57), Renu Bansal (PW58), Advocate Santosh Tripathi (PW59).

102. The CBI has made a vein attempt to forward the testimonies of PW24, PW25, PW27, PW28, PW30 and PW35 as extra judicial confession, which is in fact nothing more than hear-say evidence shorn of any evidentiary value. The evidence of these witnesses is neither legal nor one of any evidentiary value in this case.

103. It is in place to mention here that bulk of the so called evidence led in this case by the prosecution is hypothetical and assumptious in nature and deserves to be ignored. This court is referring here to the testimonies of Nodal Officers of various service providers. It may be noted here that a subscriber and the actual user of a phone may not necessarily be the same person as has been stated in so many words by the Nodal Officers (PW 78). In many cases the subscriber and user are two different individuals. The Call Detail Records produced on record are not supported by a chart showing the locations of the two people interacting with each other at a particular time. Moreover, the CBI expects of the court to make assumptions of the subject matter under

consideration between the two callers in the absence of substantial evidence to the actual words exchanged by them. This is the hypothetical assumptious and presumptuous type of irrelevant material relied upon by the CBI, which shall have no bearing of the fate of this highly presumptuous case.

104. Prosecution has relied on statement of A-1 (since deceased) Ex.PW6/1 while terming it as a confessional statement. A statement can be taken as confessional statement only when it implicates the maker thereof. A careful perusal of this statement would show that it is not at all an inculpatory statement. Further, to consider a statement as confession, it must be voluntary. There is no evidence on record to prove that it was a voluntary statement as the maker thereof has died. Furthermore, it is a statement made to the police which is inadmissible in evidence under Section 25 of the Indian Evidence Act, 1872. A statement made to police can only be used to the limited extent provided under Section 27 of the Evidence Act that too only against the person making the statement.

105. There is absolutely no legal evidence on the record to prove the theory of prosecution that it was a false statement made by A-1 before police during inquiry of a Daily Diary Report. Rather, the case of the prosecution is found to be highly assumptious and presumptuous and therefore, this statement Ex.PW6/1 is not at all a piece of evidence. Since, this statement does not fall in the category of confessional statement, invocation of Section 30 of the Evidence Act is thus not proper.

106. Let it be noted here that A-1 (since deceased) had died during the pendency of this case, thus, rendering the evidence attributed to him as his confession in the form of Ex.PW6/1 about the active role of A-2, A-3 and A-4 in this case, absolutely irrelevant and redundant.

107. It may also be mentioned here that there is no legal evidence available on record to hold that A-5 had actually received a sum of Rs.15.00 lacs in cash from A-2 on August 14, 2008 and the charge to that effect must fail.

108. The prosecution has also led evidence that two sale deeds Ex.PW9/2 and Ex.PW9/3 were duly registered at a place called Solan in the State of Himachal Pradesh in favour of certain people including A-5. These sale deeds were registered on August 14, 2008. There are eighteen in number vendees/purchasers mentioned in these two sale deed, one registered for a sale price of Rs.40,000/- only and the second registered for a sale consideration of Rs.5,12,500/- only. It is the contention of the CBI that sale consideration mentioned in these two deeds was grossly under valued but no evidence has been led by it to prove its contentions, much less specific evidence would prove that the purchase consideration amount of the share of A-5 was Rs.15.00 lacs, which was raised as bribe money as per the allegations in this case. Under these circumstances, the charge regarding payment of Rs.15.00 lacs to A-5 as bribe money in RSA decided five months prior to the alleged recovery must fail in its entirety.

109. Consequently, point (a) is decided against the prosecution.

Point (b) :

(b) Whether A-5 while being a public servant accepted Rs.2.5 lacs in April, 2008 from Ravinder Bhasin (A-2)?

110. It is the case of prosecution that A-2 sent this sum of money to A-5 through Sh. Rakesh Kumar Sharma (PW21) of Ishan Textile. However, PW21 as well as the connecting witnesses Pardeep Kumar (PW2) Peon of Ishan Textiles and Ravinder Singh (PW19), Field cum Computer Operator, Ishan Textiles, have not supported the prosecution version and were declared as hostile witnesses. Thus, there is absolutely no evidence to prove this charge and the same must necessarily fail.

111. Consequently, point (b) is decided against the prosecution.

Point (c) :

(c) Whether A-5 while being a public servant got air ticket purchased from Sanjiv Bansal (A-1 (since deceased-accused)) for her flight on 02.08.2008 from Chandigarh to Delhi and got air ticket purchased from A-2 for her flight from Delhi to Chandigarh on 03.08.2008?

112. It is the case of prosecution that A-5 had travelled from Chandigarh to Delhi and from Delhi to Chandigarh and air tickets for her journey were purchased by A-1 (since deceased-accused) and A-2. However, to establish this fact, there is no evidence at all. Even if it is assumed that the air tickets in the name of A-5 were purchased by A-1 (since deceased-accused) and A-2, there is absolutely no evidence that A-5 had travelled through the concerned flight. The details of passengers list produced on record nowhere connects it with A-5. Furthermore, this

list is not a legal evidence as the requisite certificate under Section 65-B of Indian Evidence Act is not brought before the court and as the one which is produced by PW42 does not meet the requirement of Section 65-B of Indian Evidence Act.

113. Law is fairly settled on the point that any documentary evidence by way of an electronic record can be proved only in accordance with the procedure prescribed under Section 65B of the Evidence Act which deals with the admissibility of the electronic record as has been held by the Apex Court of land in a case reported as **Anwar P.V. Versus P.K. Basheer and others 2015 (1) SCC Criminal 24 & Arjun Pandit Rao Khotkar Versus Kaushanrao Gorantyal & Ors. 2020 (3) SCC Criminal (1).**

Section 65-B (4) of the Evidence Act, provides that --

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say--

- a) identifying the electronic record containing the statement and describing the manner in which it was produced;
- b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;
- c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate,

and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

114. Absolutely, identical is the situation obtaining in this case where requirements of Section 65-B of Indian Evidence Act have not been complied with. As such, there is absolutely, no legal evidence to prove this fact and this charge against A-5 also fails.

115. Consequently, point (c) is decided against the prosecution.

Point (d) :

(d) Whether A-5 being a public servant had accepted a mobile phone from Ravinder Bhasin (A-2)?

116. It is the case of prosecution that A-5 took a mobile phone bearing No.9811522262 from A-2 and used the same. However, to prove this fact, prosecution has failed to produce any legal evidence. There is no evidence on record that this mobile phone or sim card was recovered from A-5. There is no evidence as to who had been paying the bills of this phone. No tower location of this mobile number have been produced to connect the same with A-5. The only witness cited on behalf of prosecution Sh. Onil Kumar Dewan (PW41) did not state anything about the mobile number used by A-5 and he was neither declared hostile nor

confronted with his previous statement. As such, there is absolutely, no legal evidence to prove this fact and this charge against A-5 also fails.

117. Consequently, point (d) is decided against the prosecution.

Points (e) & (f) :

(e) Whether A-1 (since deceased-accused), A-2, and A-3 abetted the commission of crime by A-5 in conspiracy with each other as A-1 (since deceased-accused) and A-2 both gave her aforesaid air tickets, A-2 gave her aforesaid mobile and A-1 (since deceased-accused), A-2 and A-3 delivered aforesaid Rs.15.00 lacs to her?

(f) Whether A-1 (since deceased-accused), A-3 and A-4 in conspiracy with each other fabricated false statement of A-1 (since deceased-accused) dated 13.08.2008 and fabricated false evidence i.e. draft agreement to sell dated August 13, 2008 both of which were given to police during enquiry in Daily Diary Report No.40 dated 13.08.2008?

118. In so far as the prosecution charges against A-2, A-3 and A-4 are concerned, they are ancillary to the role of main accused A-5 and since all the charges framed against her "**stand not proved**" already, the charges against these co-accused must necessarily fail.

119. Consequently, points (e) & (f) are decided against the prosecution.

120. It shall be relevant to mention here that the ratio of law cited in various reported cases before this court, is not applicable to this case, since no legal evidence is available on record to directly link the accused with the commission of alleged offences, they are charged with.

121. It would have been highly appreciable on the part of a premier investigating agency of the stature of the Central Bureau of

Investigation to stick to its very first stance of filing the closure report in the matter in the court of competent jurisdiction, rather than fabricating a highly unworthy of trust evidence in the form of Sh. R.K. Jain (PW26), whose testimony has been proved to be based upon all improvements, assumptions, presumptions, hypothesis and all falsehood.

Decision :

122. It is held that prosecution has miserably failed to bring home the guilt to the accused persons and consequently, accused namely Ravinder Bhasin (A-2), Rajeev Gupta (A-3), Nirmal Singh (A-4) and Ms. Nirmal Yadav (A-5), are hereby **acquitted** of the charges framed against them for commission of offences punishable under Section 11 of Prevention of Corruption Act, 1988, 120-B of Indian Penal Code read with Section 12 of Prevention of Corruption Act, 1988 and 120-B read with Sections 193, 192, 196, 199 and 200 of Indian Penal Code. Their bail bonds stand discharged. The case property shall be dealt with as per rules on expiry of the limitation period of appeal or revision.

Pronounced
29.03.2025

Alka Malik
Special Judge, CBI Court,
Chandigarh
UID No.HR0089

Rajiv Kumar
Stenographer Grade - I

Alka Malik,
Special Judge, CBI Court,
Chandigarh/29.03.2025
UID No.HR0089

APPENDIX**A. LIST OF PROSECUTION WITNESSES**

Sr.No	Rank	Name	Nature of Evidence
PW-1	AMHC	Bahadur Singh	Qua DDRs No. 1 to 69 dated 13.8.2008, 14.8.2008, 16.08.2008 & 17.08.2008.
PW-2	Head Constable	Satyabir	Witness qua making of DDR entries no.48 & 49.
PW-3	Peon	Amrik Singh	Complainant.
PW-4	Head Constable	Gurvinder Singh	Guard on duty at residence of PW-22.
PW-5	Retired Sub Inspector	Joginder Singh	Policeman who first reported at residence of PW-22.
PW-6	Station House Officer	Ramesh Chand Sharma	Made initial verification and registered FIR No.250 of 2008.
PW-7	— — — —	Ramesh Chander @ Sunny	Witness proving purchasing of stamp papers in the name of A-3.
PW-8	— — — —	Ashok Kumar	Witness proving selling of two stamp papers in the name of A-3.
PW-9	Naib Tehsildar	Narayan Singh Chauhan	Qua sale deeds no.937 & 939 of 2008.
PW-10	— — — —	Ajay Kumar Bhagat	Witness qua handing over of stamp papers.
PW-11	Chief Manager	Pawan Malhotra	Witness qua cheques and accounts.

PW-12 Service Manager	Surbhi	Qua account details of A-1 & A-3.
PW-13 Manager	Ramesh Kumar Bhola	Witness from PNB qua Customer Master Form & Account Ledger Inquiry.
PW-14 Manager	Dharam Paul	Witness qua handing over documents i.e. account details of Anand Kumar Jain.
PW-15 ASP	Madhur Verma	Initial Investigating Officer of FIR No.250 dated 16.08.2008.
PW-16 AG-1	Mahesh Chander Singh Bounal	Witness qua seizure of Pen Drive.
PW-17 Manager	G.S. Dhillon	Witness qua supplying certified copies of account opening form and its enclosures.
PW-18 Assistant Grade-I	Ramesh Kumar	Witness qua seizure of ₹ 43,000/- from A-2.
PW-19 Field - cum- Computer Operator	Ravinder Singh	Witness qua the payment of ₹ 2.5 lacs at the residence of (A-5) on behalf of A-2.
PW-20 Peon	Pardeep Kumar	Witness qua the payment of ₹ 2.5 lacs at the residence of (A-5) on behalf of A-2.
PW-21 — — — —	Rakesh Kumar Sharma	Witness qua the payment of ₹ 2.5 lacs at the residence of (A-5) on behalf of A-2.
PW-22 Hon'ble Judge	Nirmaljit Kaur	Witness qua the incident of

	of Punjab and Haryana High Court, Chandigarh		13.08.2008.
PW-23	-----	Subhash Chander	Witness qua purchase of stamp paper and preparation of affidavit by A-3.
PW-24	Special Commissioner of Police	Rajesh Kumar	Witness to whom incident was unfolded by A-2 & A-1 (since deceased).
PW-25	Retired Additional District & Sessions Judge	Satish Ahlawat	Witness qua relations of A-2 & A-5.
PW-26	Additional District & Sessions Judge	Raj Kumar Jain @ Raj Kumar Mittal	Witness qua history of litigation in RSA 550 of 2007.
PW-27	SSP Vigilance	Surinderjit Singh Mand	Witness to whom incident was unfolded by A-1 (since deceased).
PW-28	-----	Hemant Jindal	Witness to whom incident was unfolded by A-1 (since deceased).
PW-29	-----	Sanjay Bansal	Witness qua Sale Deed dated 19.12.2008.
PW-30	-----	Satish Mittal	Witness to whom incident was unfolded by A-1 (since deceased).
PW-31	Head Constable	Murli Krishan	The Sentry on duty at the residence of A-5.
PW-32	Head Constable	Honappa Pujari	The Sentry on duty at the residence of A-5.

PW-33	Advocate	Jai Parkash Rana	Qua delivery of money by PW-58 to Parkash Ram.
PW-34	-----	Sanjay Baweja	Witness proving his relations with A-2 as neighbour.
PW-35	-----	Vikram Beniwal	Witness to whom incident was unfolded by A-1 (since deceased).
PW-36	Advocate	Manmohan Lal Sarin	Witness proving brief with his name.
PW-37	Advocate	Arun Jain	Witness proving filing of RSA No. 550 of 2007 in the High Court.
PW-38	Advocate	Ashok Aggarwal	Witness qua his appearance in RSA No.550 of 2007.
PW-39	Personal Security Officer	Udaibir Singh	PSO of A-5.
PW-40	Advocate	Manjeet Singh	Witness to sale agreement dated 15.05.2007.
PW-41	-----	Onil Kumar Dewan	Witness qua mobile number of A-5.
PW-42	-----	V.K. Gupta	Witness qua list of passengers on MDLR flight from Chandigarh to Delhi.
PW-43	Advocate	Pankaj Bhardwaj	Witness qua his relations with A-1 (since deceased).
PW-44	Eye Surgeon	Dr. Markanday Ahuja	Witness to whom incident was unfolded by A-1 (since

deceased).

PW-45	Chief Nodal Officer	Soravdeep Singh	Qua CAFs & CDRs etc pertaining to accused and witnesses.
PW-46	Manager cum Nodal Officer	R.K.Singh	Qua CAFs & CDRs etc
PW-47	SDE, (Customer Care)	Gurinderpal Singh	Qua CDRs of PW-3 & PW-39.
PW-48	Deputy General Manager	Captain C.K.Bhandari	Qua Call Records in the form of CD & original customer agreement form of Hotel Ridgeview of A-2.
PW-49	Assistant Grade-III	Anurag Ashishan Toppo	Qua disclosure memo dated 30.08.2008.
PW-50	Divisional Engineer (Operations)	Ashok Kumar	Qua supply of application forms qua landline telephone numbers to CBI.
PW-51	Senior Vigilance Inspector	O.P.Singh Mar	Qua search list dated 29.08.2008.
PW-52	Data Entry Operator Grade-B	Laxmi Kant	Qua search list dated 29.08.2008.
PW-53	— — — —	Kuldeep Singh	Qua purchase of stamp papers and preparation of an affidavit by A-3 at Kalkaji, New Delhi.
PW-54	— — — —	Vimal Bhardwaj	Qua relations with A-2.
PW-55	Assistant Engineer	R.S. Gill	Qua disclosure and pointation memos dated 21.09.2008.
PW-56	— — — —	Surinder Sood	Witness to whom incident

was unfolded by A-3.

PW-57	— — — —	Raj Jindal	Kumar	Witness to whom incident was unfolded by A-1 (since deceased).
PW-58	— — — —	Renu Bansal		Witness qua sending of Parkash Ram with ₹ 15 lacs.
PW-59	Advocate	Santosh Tripathi		Witness qua recovery memo dated 2/3.09.2008.
PW-60	Corporate lawyer	Rajesh Kumar		Witness qua preparation of affidavit by A-3.
PW-61	Assistant Director	S.C. Dandriyal		Chief Investigating Officer.
PW-62	Alternate Nodal Officer	Saurabh Aggarwal		Qua CAFs, CDRs etc pertaining to accused and witnesses.
PW-63	Inspector	Arun Rawat		Part Investigating Officer.
PW-64	Inspector	Ashok Kumar		Part Investigating Officer.
PW-65	Senior Scientific Officer Grade-II	R.K. Srivastava		CFSL expert qua examination of Pen Drives data.
PW-66	Superintendent of Police	R.D. Kalia		Part Investigating Officer.
PW-67	Retired SP	K.Y. Guruparsad		Part Investigating Officer.
PW-68	Superintendent of Police	Ramnish Geer		Part Investigating Officer.

PW-69	Inspector	Vipin Verma	Kumar	Part Investigating Officer.
PW-70	Superintendent Grade-I	Manmohan Anand		Witness qua allotment of residence and phone to A-5.
PW-71	Inspector	Vijay Bahadur		Part Investigating Officer.
PW-72	Nodal Officer	Sunil Rana		Qua CDRs & certificate under Section 65-B of Indian Evidence Act.
PW-73	Divisional Engineer	Charanjit Binjhi	Singh	Qua CDRs & CAF of A-4 & witness.
PW-74	Inspector	Sandeep Sharma	Kumar	Qua search of Hotel Ridge View, New Delhi of A-2.
PW-75	Inspector	Sher Yadav	Singh	Qua search of house of A-2.
PW-76	Secretary (Justice)	Neela Gangadharan		Qua sanction of prosecution of A-5.
PW-77	Nodal Officer	Ritesh Bajaj	Kumar	Qua Call Details & CAF pertaining to landline and mobile numbers.
PW-78	Nodal Officer	Sushil Chopra	Kumar	Qua CAFs, CDRs pertaining to accused persons.

B. LIST OF DEFENCE WITNESSES

Sr. no.	RANK	NAME	NATURE OF EVIDENCE
DW-1		Ram Pal	Qua statement of account of Surjit Kaur.

DW-2	Mohan	Qua sale deed dated 06.04.2010.
DW-3	Vikram Rana	Qua allotment of House No.99, Sector 17, Panchkula, Haryana.
DW-4	Ishwarpal Kaur	Qua house of A-4.

C. COURT WITNESSES (IF ANY): NIL

A. LIST OF PROSECUTION EXHIBITS

Sr.no	Exhibit no.	Particulars
.		
1.	Ex PW 1/1	Seizure memo 08.09.2008 qua carbon copy of daily diaries.
2.	Ex PW 1/ 2	Carbon copy of DDR No.01 to 69 dated 13.08.2008 & 14.08.2008.
3.	Ex PW 1/3	Carbon copy of DDR No.46 dated 13.08.2008.
4.	Ex PW1/4	Carbon copy of DDR no.49 dated 13..08.2008.
5.	Ex PW1/5	Carbon copy of DDR No.68 dated 14.08.2008.
6.	Ex PW1/6	Carbon copy of DDR No.69 dated 14.08.2008.
7.	Ex PW 3/1	Complaint dated 14.8.2008.
8.	Ex PW 5/1	Blue polythene bag
9.	Ex PW5/2	Currency notes

10. Ex PW5/3 Cloth bag
11. Ex PW5/4 Red & white cloth carry bag
12. Ex PW 5/5 Memorandum dated 08.09.2008
13. Ex PW 6/1 Statement written by A-1 (since deceased) dated 13.08.2008.
14. Ex PW 6/2 Seizure memo dated 14.08.2008 qua seizure of documents produced by A-3 & A-4.
15. Ex PW 6/3 Original unsigned agreement to sell dated 13.08.2008.
16. Ex PW6/4 Photocopy of general power of attorney dated 05.06.2007.
17. Ex PW 6/5 Copy of re-allotment letter dated 03.03.2000.
18. Ex PW 6/6 FIR No.250 dated 16.08.2008.
19. Ex PW 7/1 Stamps Sales Register.
20. Ex PW 8/1 Register regarding sale of stamp papers from 09.06.2008 to 30.08.2008.
21. Ex PW 8/2 Production memo of stamp sales register.
22. Ex PW 8/3 Photocopy of licence of stamp vendor.
23. Ex PW 8/4 Entry dated dated 13.08.2008 of stamp sales register.
24. Ex PW 9/1 Seizure memo dated 23.09.2008 qua original sale deeds.
25. Ex PW 9/2 Index sheet qua sale deed no.939/2008 and

related documents.

26. EX PW 9/3 Index sheet qua sale deed No.937/2008 and related documents.
27. Ex PW 11/1 Receipt memo dated 25.09.2008 qua receipt of various documents from PNB, Punjab.
28. Ex PW 11/2 Original cheque No.541243 dated 15.05.2007 of Rs.20 lacs.
29. Ex PW 11/3 Original cheque No.541244 dated 05.06.2007 of Rs.15 lacs
30. Ex PW 11/4 Copy of account opening form no. 1155000102019195 of A-3.
31. Ex PW 11/5 Certified copy of statement of account of A-3.
32. Ex PW 12/1 Carbon copy of letter dated 20.04.2010 seeking documents from Kotak Mahindra Bank, Panchkula, pertaining to accused persons.
33. Ex PW 12/2 Certified copy of customer profile of A-1 (since deceased).
34. Ex PW 12/3 Certified copy of statement of account of A-1 (since deceased).
35. Ex PW 12/4 Cheque details pertaining to A-3 bearing account No.1155000102019195.
36. Ex PW13/1 Attested copy of Account Ledger Inquiry of A-3.
37. Ex PW 14/1 Seizure memo dated 04.09.2008 qua original pay in slip, certified copy of statement & account opening form.

38. Ex PW 14/2 Original pay-in-slip dated 22.06.2007 of account no.10304796025.
39. Ex PW 14/3 Certified copy of statement of account no. 10304796025 of Anand Kumar Jain.
40. Ex PW 14/4 Photocopy of Account Opening Form of account no. 10304796025 of Anand Kumar Jain.
41. Ex PW 15/1 Seizure memo of currency notes of ₹ 15 lacs.
42. Ex PW 15/2 Receipt memo dated 27.08.2008 qua receipt of investigation file of this case by CBI from ASP Chandigarh (PW-15).
43. Ex PW 16/1 Production-cum-seizure memo dated 05.12.2008 vide which various articles were taken over by CBI from A-3.
44. Ex PW 16/2 Open cloth pouch.
45. Ex PW 16/3 Black colour pen drive.
46. Ex PW 16/4 Black and silver colour pen drive.
47. Ex PW 17/1 Carbon copy of letter dated 20.04.2010 of CBI to Punjab & Sind Bank, Panchkula, qua providing of documents.
48. Ex PW 17/2 Covering letter dated 20.04.2010 of Punjab & Sind Bank to CBI for providing of documents.
49. Ex PW 17/3 Certified copies of account opening form and related documents of A-1 (since deceased), A-3, PW-58 & Ritu Gupta.
50. Ex PW 18/1 Disclosure memo dated 30.8.2008 of A-4.
51. Ex PW 18/2 Memo dated 30.8.2008.

52. Ex PW 18/3 Disclosure memo dated 02.09.2008 of A-1 (since deceased).
53. Ex PW 18/4 Pointing out-cum-Recovery memo dated 02.09.2008 of various documents.
54. Ex PW 18/5 Disclosure memo dated 31.08.2008 of A-4.
55. Ex PW 18/6 Recovery memo dated 31.08.2008 of ₹ 43,000/-.
56. Ex PW 19/1 Seizure memo dated 02.10.2008 qua pocket size diary & note book.
57. Ex PW 26/A Seizure memo dated 06.09.2010 qua photocopy of cover sheet of file relating to RSA 550/2017.
58. Ex PW 26/B Original affidavit dated 09.06.2008 of Raj Kumar son of Sh. Sheel Kumar.
59. Ex PW 29/A Production cum seizure memo dated 20.4.2010 qua receiving of sale deed.
60. Ex PW 33/1 Statement under Section 164 Cr.P.C dated 21.08.2008 of PW-33
61. Ex PW 36/1 Advocate brief with the name of “Manmohan Lal Sarin”.
62. EX PW40/1 Sale agreement dated 15.05.2007 between Anand Kumar Jain And A-3.
63. EX PW 42/1 Letter dated 02.12.2008 qua list of all passengers of flight no.9H171 dated 02.08.2008 from Chandigarh to Delhi.
64. Ex PW 45/1 Letter dated 07.10.2008 of Nodal Officer, Spice Communication Limited to the CBI, qua

- furnishing of Subscriber Application Forms, Cell ID Chart, Call details record and other documents etc.
65. Ex PW 45/2 Letter dated 23.12.2008 of Nodal Officer, Idea, to the CBI, qua furnishing of CDR & CD etc.
66. Ex PW 45/3 Certificate under Section 65-B of Indian Evidence Act of Nodal Officer, Idea Cellular.
67. Ex PW 45/4 Copy of Customer Application Form of mobile no. 98140-15957 (of PW-22).
68. Ex PW 45/5 Copy of Customer Application Form of mobile no. 98140-01283 of A1 (since deceased).
69. Ex PW 45/6 Copy of Customer Application Form of mobile no. 98140-16399 (of PW-43).
70. Ex PW 45/7 Copy of Customer Application Form of mobile no. 98141-16262 (of PW-43).
71. Ex PW 45/8 CDRs of mobile no. 98140-15957 (of PW-22) from the period 01.08.2008 to 20.08.2008.
72. Ex PW 45/9 CDRs of mobile no. 98140-01283 of A-1 (since deceased) from the period 01.08.2008 to 20.08.2008.
73. Ex PW 45/10 CDRs of mobile no. 98140-16399 (of PW-43) from the period 01.08.2008 to 20.08.2008.
74. Ex PW 45/11 CDRs of mobile no. 98141-16262 (of PW-43) from the period 01.08.2008 to 20.08.2008.
75. Ex PW 45/12 Cell ID Chart of Spice Punjab Circle.
76. Ex PW 46/1 Seizure memo dated 08.10.2008 qua Call details, Customer enrollment form etc.

77. Ex PW 46/2 CDRs of mobile no. 98714-78052 (of Madan Sethi) for the period from 01.08.2007 to 31.12.2007.
78. Ex PW 46/3 CDRs of mobile no. 98102-32885 for the period from 01.08.2007 to 31.12.2007.
89. Ex PW 46/4 CDRs of mobile no. 99104-59938 for the period from 01.08.2007 to 31.12.2007.
80. Ex PW 46/5 Copy of Subscriber Enrolment Form for mobile no. 9971961222 (of Kathpalia & Associates).
81. Ex PW 46/6 CDRs of mobile no. 9971961222 for the period from 01.08.2007 to 31.12.2007 (of Kathpalia & Accociates).
82. Ex PW 46/7 Customer Application form of mobile no. 9810375533 (of Mohinder Kaur).
83. Ex PW 46/8 Customer Application Form of mobile no. 98100-23470 (of PW-34).
84. Ex PW 46/9 Letter dated 24.11.2008 of Nodal Officer, Bharti Airtel Limited to the CBI, qua furnishing of call details and subscription enrollment etc.
85. Ex PW 46/10 Certificate under Section 65-B of Indian Evidence Act of Nodal Officer Bharti Airtel.
86. Ex PW 47/1 Letter dated 25.11.2008 of BSNL, Chandigarh to the CBI, qua furnishing of CAF and CDRs etc.
87. Ex PW 47/2 Copy of Customer Application form of mobile no. 9417538003 (of PW-3).
88. Ex PW47/3 Copy of Customer Application Form of mobile no. 9417495855 (of PW-39).

89. Ex PW 47/4 Certificate under Section 65-B of Indian Evidence Act of SDE, CMTS, Chandigarh.
90. Ex PW 48/1 Letter dated 21.11.2008 of Matrix Cellular Services to the CBI, qua furnishing of Call details and CAF etc.
91. Ex PW 48/2 Customer Application form of mobile no. 7903615410 (of A-2).
92. Ex PW 48/3 Certificate under Section 65-B of Indian Evidence Act of DGM, Mrtix Cellular.
93. Ex PW 50/1 Letter dated 26.11.2008 of BSNL to the CBI, qua furnishing of CAFs and CDRs etc.
94. Ex PW 51/1 Search list dated 29.08.2008 qua Hotel Ridge View of A-2.
95. Ex PW 52/1 Search list dated 29.08.2008 qua residence of A-2.
96. Ex PW 53/1 Statement under Section 161 Cr.P.C dated 06.12.2008 of PW-53.
97. Ex PW 54/1 Statement under Section 161 Cr.P.C dated 21.11.2008 of PW-54.
98. Ex PW 55/1 Disclosure memo dated 21.09.2008 of A-2.
99. Ex PW 55/2 Pointation Memo dated 21.09.2008 given by A-2.
100. Ex PW 56/1 Statement under Section 161 Cr.P.C dated 31.08.2008 of PW-56.
101. Ex PW 56/2 Statement under Section 161 Cr.P.C dated 21.09.2008 of PW-56.

102. Ex PW 57/1 Statement under Section 161 Cr.P.C dated 23.09.2008 of PW-57.
103. Ex PW 58/1 Statement under Section 161 Cr.P.C dated 02.09.2008 of PW-58.
104. Ex PW 58/2 Statement under Section 161 Cr.P.C dated 06.12.2008 of PW-58.
105. Ex PW 59/1 Statement under Section 161 Cr.P.C dated 20.04.2008 of PW-59.
106. Ex PW 61/1 FIR No. RC AC2 2008 A0004 dated 28.08.2008
107. Ex PW 61/2 Seizure memo dated 18.11.2008 qua non judicial stamp vendor register.
108. Ex PW 62/1 Letter dated 27.11.2008 of Nodal Officer, Vodafone to the CBI, qua furnishing of CAFs, CDRs and Cell site chart etc.
109. Ex PW 62/2 Certificate under Section 65-B of Indian Evidence Act of Nodal Officer, Vodafone Essar.
110. Ex PW 62/3 Customer Application Form of mobile no. 98115-22262 of A-2.
111. Ex PW 62/4 Customer Application Form of mobile no. 98111-77030 of A-2.
112. Ex PW 62/5 Customer Application Form of mobile no. 99532-77700 of A-2.
113. Ex PW 62/6 Statement of account pertaining to mobile number 9811522262 of A-2 for the period from 06.04.2006 to 06.10.2008 & 06.01.2008 to 21.11.2008.
114. Ex PW 62/7 Call detail records of mobile no. 98111-77030

- of A-2 for the period from 01.01.2008 to 25.11.2008.
115. Ex PW 62/8 Call detail records of mobile no. 99532-77700 of A-2 for the period from 01.01.2008 to 25.11.2008.
116. Ex PW 62/9 Call detail records of mobile no. 98115-22262 of A-2 for the period from 01.01.2008 to 25.11.2008.
117. Ex PW 62/10 Call detail records of mobile no. 98115-22262 of A-2 for the period from 01.08.2007 to 06.10.2008.
118. Ex PW 62/11 Roaming call detail records of mobile no. 98111-77030 of A-2 for the period from 13.11.2008 to 19.11.2008.
119. Ex PW 62/12 Location Chart/Cell-ID Chart/Cell Site Chart.
120. Ex PW 62/13 Copy of Special Power of Attorney dated 15.01.2020.
121. EX PW 65/1 Computer forensic examination report number CFSL-2008/G-0983 dated 29.12.2008.
122. Ex PW 65/2 Affidavit dated 19.08.2008 of A-2.
123. Ex PW 65/3 Annexure-III qua showing details of creation, modification and last access in respect of two files.
124. Ex PW 65/4 Certificate under Section 65-B of Indian Evidence Act of PW-65.
125. Ex PW67/1 Statement under Section 161 Cr.P.C dated 18.11.2008 of PW-34.
126. Ex PW67/2 Statement under Section 161 Cr.P.C dated 17.11.2008 of PW-39.

127. Ex PW 67/3 Statement under Section 161 Cr.P.C dated 27.11.2008 of PW-25.
128. Ex P1/PW68 Forwarding letter dated 19.12.2008 of CBI to the CFSL, New Delhi, qua examination of pen drives.
129. Ex P2/PW68 Certificate of authority dated 19.12.2008 of PW-68.
130. Ex P3/PW69 Statement under Section 161 Cr.P.C dated 06.09.2008 of PW-43.
131. Ex P4/PW69 Statement under Section 161 Cr.P.C dated 03.09.2008 of PW-39.
132. Ex P5/PW61 Statement under Section 161 Cr.P.C dated 14.11.2008 of PW-44.
133. Ex P6/PW61 Statement under Section 161 Cr.P.C dated 03.10.2008 of PW-41.
134. Ex P7/PW61 Statement under Section 161 Cr.P.C dated 02.10.2008 of PW-21.
135. Ex P8/PW61 Statement under Section 161 Cr.P.C dated 02.10.2008 of PW-19.
136. Ex P9/PW61 Statement under Section 161 Cr.P.C dated 03.10.2008 of PW-20.
137. Ex P10/PW70 Letter 15.10.2008 issued from the office of Registrar General, Punjab & Haryana High Court, Chandigarh.
138. Ex P11/PW42 Certificate under Section 65-B of Indian Evidence Act of PW-42.
139. Ex P11/PW71 Seizure cum production memo dated

23.12.2008 qua CD and CAF.

140. Ex P12/PW71 Seizure cum production memo dated 25.11.2008 qua subscriber enrollment form, CD etc.
141. Ex P13/PW72 Customer Application Form of mobile no. 98785-11111 of Gupta Property Developer Pvt. Limited.
142. Ex P14/PW72 Customer Application Form of mobile no. 98766-67433 of PW-6.
143. Ex P15/PW72 Customer Application Form of mobile no. 98729-15666 of Surjit Singh.
144. Ex P16/PW72 CD containing call detail records of mobile no.98785-11111 (of Gupta Property Developers Pvt. Limited) for the period from 01.01.2008 to 31.07.2008.
145. Ex P17/PW72 Call detail records of mobile no. 98729-15666 (of Surjit Singh) for the period from 01.08.2008 to 23.12.2008.
146. Ex P18/PW72 Call detail records of mobile no.98766-67433 (of PW-6) for the period from 01.08.2008 to 23.12.2008.
147. Ex P19/PW72 Certificate under Section 65-B of Indian Evidence Act of Nodal Officer, Bharti Airtel.
148. Ex P20/PW73 Letter dated 23.12.2008 of BSNL to the CBI, qua providing of Call details and CAF etc.
149. Ex P21/PW73 Call detail records of mobile no. 94633-91678 (of A-4).
150. Ex P22/PW73 Call detail records of mobile no.94176-55933 (of PW-7).
151. Ex P23/PW74 Diary.

152. Ex P24/PW75 Diary.
153. Ex P25/PW76 Sanction order of A-5.
154. Ex P26/PW77 Attested copy of Customer Application Form of mobile nos.92161-22776 (of Dipinder Singh Sekhon).
155. Ex P27/PW77 Attested copy of Customer Application Form of landline no.6613333 having series 6618100-8199, 6618200-8299, 6617500-7599 (in the name of Hon'ble Punjab & Haryana High Court, Chandigarh).
156. Ex P28/PW77 Cell details.
157. Ex P29/PW78 Attested copy of Customer Application Form of mobile no.98724-01283 (of A-1).
158. Ex P30/PW78 Attested copy of Customer Application Form of mobile no.98729-15666 (of Surjeet Singh).
159. Ex P31/PW78 Attested copy of Customer Application Form of mobile no.99154-21225 (of PW-33).
160. Ex P32/PW78 Attested copy of Customer Application Form of mobile no.98725-22878 (of A-3).
161. Ex P33/PW78 Attested copy of Customer Application Form of mobile no.98727-04998 (of Baldev Singh).
162. Ex P34/PW78 Attested copy of Customer Application Form of mobile no. 98151-01283 (of A-1).
163. Ex P35/PW78 Attested copy of Customer Application Form of mobile no.98760-02926 (of Hon'ble Punjab & Haryana High Court, Chandigarh).
164. Ex P36/PW78 Certificate under Section 65-B of Indian

Evidence Act of Nodal Officer Bharti Airtel.

165. Ex P37/PW78 Soft copy of the CDRs and Cell IDs.

B. LIST OF DEFENCE EXHIBITS

Sr. no.	Exhibit No.	Particulars
1.	Ex PW1/DA	Roznamcha of Police Station Sector-11, Chandigarh dated 13.07.2008.
2.	Ex PW3/DA	Statement under Section 161 Cr.P.C dated 16.09.2008 of PW-3.
3.	Ex PW3/DB	Statement under Section 161 Cr.P.C dated 05.12.2008 of PW-3.
4.	Ex PW5/D1	Statement under Section 161 Cr.PC dated 05.09.2008 of PW-5.
5.	Ex PW6/D1	Statement under Section 161 Cr.PC dated 08.09.2008 of PW-6.
6.	Ex PW6/D2	Statement under Section 161 Cr.PC dated 25.09.2008 of PW-6.
7.	Ex PW6/D3	Statement under Section 161 Cr.PC dated 23.11.2008 of PW-6.
8.	Ex PW7/D1	Statement under Section 161 Cr.PC dated 01.09.2008 of PW-7.
9.	Ex PW14/D1	Statement under Section 161 Cr.PC dated 04.09.2008 of PW-14.
10.	Ex PW15/D1	Statement under Section 161 Cr.PC dated 23.11.2008 of PW-15.
11.	Ex PW15/D2	Application dated 17.08.2008 for police

remand.

12. Ex PW15/D3 Application dated 19.08.2008 for police remand.
13. Ex DX Statement under Section 161 Cr.PC dated 26.09.2008 of PW-24.
14. Ex PW26/D1 Statement under Section 161 Cr.PC dated 27.09.2008 of PW-26.
15. Ex PW26/D2 Statement under Section 161 Cr.PC dated 17.05.2010 of PW-26.
16. Ex PW26/D3 Statement under Section 161 Cr.PC dated 06.09.2010 of PW-26.
17. Ex D1/DW1 Statement of account (Canara Bank) of Surjeet Kaur.
18. Ex D2/DW2 Certified copy of sale deed dated 06.04.2010.
19. Ex D3 Photocopy of petition filed by CBI before the Hon'ble High Court, Chandigarh in CRM-M No.5959 of 2025.
20. Ex D4 Certified copy of order passed by Hon'ble High Court, Chandigarh in RSA-550 of 2007.
21. Ex D5 Certified copy of decreetal order passed by the Hon'ble High Court, Chandigarh in RSA-550 of 2007.
22. Ex D6 Certified copy of Civil Appeal No.2421 of 2011 passed by Hon'ble Supreme Court of India.
23. Ex D7/PW76 Summary note dated 03.02.2011 (of PW-76).

C. COURT EXHIBITS: NIL

LIST OF MATERIAL OBJECTS :

Sr. no.	Exhibit No.	Particulars
1.	Ex MO1/PW72	Compact Disk make AMKETTE (MR No.1260/2008.
2.	Ex MO2/PW73	Compact Disk make Moserbaer (MR No.1258/2008).
3.	Ex MO3/PW78	Compact Disk.

LIST OF MARK DOCUMENTS (PROSECUTION)

Sr. no.	Exhibit No.	Particulars
1.	Mark PW10/A	Statement under Section 161 Cr.PC dated 31.08.2008 of PW-10.
2.	Mark PW15/A	Hand written statement dated 18.08.2008 of PW-43.
3.	Mark PW19/A	Diary.
4.	Mark PW26/1	Photocopy of brief to the name of “Manmohan Lal Sarin” Advocate.
5.	Mark PW29/X	Photocopy of sale deed dated 19.12.2008.
6.	Mark PW 50/A	Letter dated 26.11.2008 which was addressed by BSNL to CBI qua providing of attested photocopies of application forms in respect of the landline telephone numbers.

7. Mark PW61/A Letter dated 06.10.2008 of Nodal Officer, Vodafone to the CBI, qua furnishing of CAFs, CDR and other documents.
8. Mark PW61/B Photocopy of customer application form, statement of accounts & call details of mobile no. 9811522262 (of A-2) for the period from 01.08.2007 to 06.10.2008.
9. Mark PA/PW61 Carbon copy of statement under Section 164 Cr.PC dated 21.08.2008 of PW-33.
10. Mark PB/PW61 Carbon copy of statement under Section 164 Cr.P.C dated 24.08.2008 of A-4.
11. Mark PC/PW61 Application dated 24.08.2008 filed before the then Learned JMIC (Duty), Chandigarh, for recording the statement of accused u/s 164 Cr.P.C.
12. Mark PD/PW61 Original statement under Section 164 Cr.P.C dated 24.08.2008 of A-4.
13. Mark PE/PW61 Envelope
14. Mark PF/PW61 Photocopy of the Case Deposit Register of Malkhana AC-I, CBI New Delhi along with copy of passbook of account no. 60482011000162 in the name of Superintendent of Police, CBI ACU-II, Block-III, CGO Complex, New Delhi and statement of account for the period from 15.02.2010 to 18.08.2022.
15. Mark PW66/A Photocopy of notification dated 26.08.2008.
16. Mark PW66/B Letter dated 06.10.2008 of Nodal Officer, Tata Teleservices to the CBI, qua furnishing of Call details record and Cell ID chart.

17. Mark PW66/C Letter dated 11.10.2008 of Nodal Officer, Tata Teleservices to the CBI, qua furnishing of incoming call details of landline number.
18. Mark PW 67/A Letter dated 11.11.2008 of Valuation Officer, Tax Department to the CBI, qua furnishing of details of report, DVD & CD (soft copy of photographs).
19. Mark PW68/A Letter dated 24.11.2008 of Nodal Officer, Tata Teleservices to the CBI, qua furnishing of Certificate under Section 65-B of Indian Evidence Act.

LIST OF MARK DOCUMENTS (DEFENCE): NIL

Sr. no.	Exhibit No.	Particulars
1.	Mark D1	Statement under Section 161 Cr.P.C dated 19.04.2010 of PW-18.
2.	Mark PW47/D1	Statement under Section 161 Cr.P.C dated 24.04.2008 of Gurinder Pal Singh.
3.	Mark PG/DW3	Photocopy of Indemnity Bond dated 06.04.2010.
4.	Mark PJ/DW4	General Power of Attorney.
5.	Mark PK/DW4	Bail application of A-4.
6.	Mark DA/DW4	Photocopy of Adhar Card of Ishwar Paul Kaur.
7.	Mark DB/DW4	Photocopy of Adhar Card of Nirmal Singh.
8.	Mark DB/PW61	Legal opinion of Attorney General of India Milon K. Banerji dated 20.04.2009.

9. Mark DC/PW61 Opinion of Attorney General of India Goolam E. Vahanvati dated 30.01.2010.
10. Mark DD/PW61 Legal opinion of Director of Prosecution /CBI S.K. Sharma .

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