

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

(प्रथम सूचना रिपोर्ट)

(धारा 154 दंड प्रक्रिया संहिता के तहत )

1. District (ज़िला): STATE VIGILANCE AND P.S.(थाना): SHIMLA Year(वर्ष): 2022  
FIR No(प्र.सू.रि.सं.): 0005 Date & Time of FIR (एफआईआर की तिथि / समय): 17/11/2022 02:15 PM

S.No.(क्र.सं.)	Acts(अधिनियम)	Sections(धारा(एँ))
1	PREVENTION OF CORRUPTION ACT, 1988	7
2	PREVENTION OF CORRUPTION ACT, 1988	8
3	PREVENTION OF CORRUPTION ACT, 1988	9

3. (a) Occurrence of offence (अपराध की घटना):

1. Day(दिन): Intervening Day Date From(दिनांक से): 15/04/2020 Date To(दिनांक तक): 19/05/2020  
Time Period (समय अवधि): Time From (समय से): 12:00 AM Time To (समय तक): 12:00 AM  
(b) Information received at P.S.(थाना जहाँ सूचना प्राप्त हुई): Date(दिनांक): 17/11/2022 Time (समय): 12:30 PM  
(c) General Diary Reference (रोजानामचा संदर्भ): Entry No.(प्रविष्टि सं.): 009 Time (समय): 17/11/2022 01:30 PM

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S (थाना से दूरी और दिशा): EAST, 4 Km(s) Beat No(बीट सं.):  
(b) Address(पता): Not known  
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर हैं तो)  
Name of P.S(थाना का नाम): SHIMLA EAST District(State)(ज़िला(राज्य)): SHIMLA(HIMACHAL PRADESH)

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name(नाम): Sh Kelash Sharma  
(b) Father's/Mother's/Husband's Name (पिता / माता / पति का नाम):  
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1983 (d) Nationality (राष्ट्रियता): INDIA  
(e) UID No (यूआईडी सं.):  
(f) Passport No. (पासपोर्ट सं.):  
Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान):  
(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN )

S.No.(क्र.सं.)	Id Type(पहचान पत्र का प्रकार)	Id Number(पहचान संख्या)
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(h) Occupation (व्यवसाय):

(i) Address(पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	VILLAGE-SV AND ACB SIU Shimla , TEHSIL-Shimla, PS-SHIMLA, DISTRICT-STATE VIGILANCE AND ANTI-CORRUPTION BUREAU (SV & ACB), STATE-HIMACHAL PRADESH, INDIA
2	Permanent Address	VILLAGE-SV AND ACB SIU Shimla , TEHSIL-Shimla, PS:SHIMLA, DISTRICT-STATE VIGILANCE AND ANTI-CORRUPTION BUREAU (SV & ACB), STATE-HIMACHAL PRADESH, INDIA

(j) Phone number (दूरभाष न.):

Mobile (मोबाइल न.):

**7. Details of known/suspected/unknown accused with full particulars (जात/संदिग्ध/अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):**

**Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):**

S.No. (क्र.सं.)	Name (नाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)	Parmanent Address (स्थायी पता)
1	Dr. Ajay Kumar Gupta	Father: Lt Sh Prem Chand	VILLAGE-Nagal Suketi PO Moginand , TEHSIL-Nahan PS Nahan ,PS-NAHAN, DISTRICT-SIRMAUR,STATE- HIMACHAL PRADESH,INDIA	VILLAGE-Nagal Suketi PO Moginand , TEHSIL-Nahan PS Nahan ,PS-NAHAN, DISTRICT-SIRMAUR,STATE- HIMACHAL PRADESH,INDIA
2	Mr.Garg and firms		VILLAGE-Not Known ,PS-SHIMLA, DISTRICT-STATE VIGILANCE AND ANTI-CORRUPTION BUREAU (SV & ACB),STATE-HIMACHAL PRADESH, INDIA	VILLAGE-Not Known ,PS-SHIMLA, DISTRICT-STATE VIGILANCE AND ANTI-CORRUPTION BUREAU (SV & ACB),STATE-HIMACHAL PRADESH, INDIA

**8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):**

**9. Particulars of properties of interest (Attach separate sheet, if necessary) (संबन्धित सम्पत्ति का विवरण (यदि आवश्यक हो, तो अलग पृष्ठ नत्थी करें)):**

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Nature Property (प्रकृति संपत्ति)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
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**10.Total value of property stolen (In Rs/-) (चोरी हुई सम्पत्ति का कुल मूल्य (रु में)):**

**11.Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण नं., यदि कोई हो):**

S.No. (क्र.सं.)	UIDB Number (यू.आई.डी.बी.संख्या)
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**12. First Information contents (Attach separate sheet, if necessary) (प्रथम सूचना तथ्य (यदि आवश्यक हो, तो अलग पृष्ठ नत्थी करें)):**

A letter No. SV&ACB (R/SIU) Case ( SML) 04/2020-2311 dated 14-11-2022 of SP, & ACB (SIU) has been received in this Police Station along with report of enquiry officer (5 leaves) as submitted by Sh. Kailash Sharma, Dy. SP-cum-IO, SV&ACB SIU, Shimla, relevant record i.e transcript of relevant conversations marked as Annexure-A (15 pages,) SDR, A/c statements. Invoice, Supply orders etc (29) pages and one CD bearing two seal impression of seal "T", and permission u/s 17 A of PC (Amended) Act 2018 accorded vide order No. Per (A-1)B (14)-2/2022 dated 21st September 2022 of Special Secretary (Personal) to the GoHP. The brief contents of report are as under:- "Kindly refer to VHQ letter No. SV &ACB(R-SIU-HQ) case No. 04/2020 (sml)/FI-2709 dated 10.02.2021, vide which it is instructed that IO may cull out other conversations in the recordings retrieved by SFSL from the mobile phone set seized from Dr. Ajay Kumar Gupta, the then DHS, which suggest bribery/ criminal misconduct/ misconduct on the part of public servants, such conversations may analysed by SP, SIU to ascertain if a prima facie case worth registration of FIR or recommending departmental action is made out." In this regard, the matter which suggests bribery/ criminal misconduct/ misconduct on the part of public servant (s) has come in light vide analysis of conversations took place between Dr. Ajay Kumar Gupta and Mob. No. 94181-16699 (Said Mob. No. is saved in the name of one Mr. Garg in Mob. Set of Dr. Ajay Kumar Gupta). The said Mob. No. is listed as Keshav Garg in True Caller. The detail of Conversations/call recordings relevant to the instance is as under: (Serial No.1) dated 15.04.2020 file name- Call@Mr Garg(00919418116699)\_20200415205815 total duration -17.58 min, (Serial No.2)-dated 16.04.2020, file name- Call@Mr Garg(00919418116699)\_20200416200256, total duration-4.33 min, (Serial No-3), 17.04.2020 file name- Call@Mr Garg(00919418116699)\_20200417203601, total duration-7.10 min, (Serial No-4), dated 18.04.2020 file name- Call@Mr Garg (00919418116699)\_20200418091127 total duration-1.28 min,(Serial No-5), dated 18.04.2020, file name Call@Mr Garg(00919418116699)\_20200418112723, total duration-2:35 min, (Serial No-6) dated 18.04.2020 file name- Call@Mr Garg(00919418116699)\_20200418150142 duration of relevant transcrit-34 secs, (Serial No-7) dated 18.04.2020 file No. Call@Mr Garg(00919418116699)\_20200418203948, total duration, 6.54 min, (Serial No-8) dated 19.04.2020 file No. Call@Mr Garg (00919418116699)\_20200419151804, total duration -0.41 secs, (Serial No-9) dated 20.04.2020,file No. Call@Mr Garg(00919418116699)\_20200420080817, total duration-2:21 mins, (Serial No-10) dated-20.04.2020 file No- Call@Mr Garg(00919418116699)\_20200420081214, total duration-0.22

secs, (Serial No-11) dated 20.04.2020 file No. Call@Mr Garg(00919418116699)\_20200420202123, total duration, 5.17 min, (Serial No- 12) dated 21.04.2020 file No. Call@Mr Garg(00919418116699)\_20200421184103, total duration-1:46 min., (Serial No- 13) dated 23.04.2020 file No. Call@Mr Garg(00919418116699)\_20200423081541, total duration, 4.47 min,(Serial No-14) dated 16.05.2020 file No. Call@Mr Garg(00919418116699)\_20200516074136, total duration, 3:40 min,(Serial No- 15) dated 16.05.2020 file No. Call@Mr Garg(00919418116699)\_20200516210002, total duration, 2:16 min, (Serial No- 16) dated-17.05.2020 file No. Call@Mr Garg(00919418116699)\_20200517223503, total duration-14 min, (Serial No- 17) dated -19.05.2020 file No. Call@Mr Garg(00919418116699)\_20200519083052, total duration-2:54 min.On the basis of above conversation took place between Dr Ajay Kumar Gupta, the then DHS and Mr. Garg, following is emerged out:(1)DHS told Garg that as per information received by him, an amount of Rs. 4.25 lac in the account maintained in SBI and an amount of Rs. 4.45 lacs in the account maintained in PNB (in total 8.70 lacs) were credited. (2) Garg confirmed that said amount was received in such accounts in SBI and PNB.(3)In these conversations, it is also confirmed that prior to this amount i.e. Rs. 8.70 lacs, an amount of Rs. 3 lacs was already settled.(4) Above money was received from somebody in the accounts of the relatives of Mr. Garg on the instance of DHS and further transferred from the same accounts to the accounts of relatives of DHS. And conformation of Garg regarding deposit of money in the accounts of relatives of DHS is also on record. (5) Furthermore, Rs. 49000/- was also received from somebody in the account of the relative of Mr. Garg on the instance of DHS and further transferred from the same account to the account of relative of DHS. And conformation of Garg regarding deposit of money in the accounts of relatives of DHS is also on record. .As per A/c Statement of Bank Account No. 4621000100020275 in the name of one Mr. Nikunj Garg S/o Sh. Keshav Garg R/o House No. 244, Bye Pass Khater, Solan in PNB Branch at Bye Pass Solan and Bank A/c No. 37921514439 in the name of Mr. Nikunj Garg S/o Sh. Keshav Garg above in SBI Branch at Bye Pass Solan, various amounts were deposited/ credited in above accounts through internet banking thorough Mob. No. 9953601227w.e.f. 07.04.2020 to 21.04.2020 and from Sam Pharma on 16.05.2020. The detail of credit entries in above Bank Accounts is as under:Transactions / deposits in Bank A/c No. 37921514439 SBI Branch at Bye Pass Solan (Sr.No. A-1) date of deposit-07.04.2020, Amount-1,25,000, Mode of deposit( Net banking), IMPS009823882048 Bye whom deposited- 9953601227, (Sr.No. A-2) date of deposit-09.04.2020 Amount-1,75,000 Mode of deposit(Net banking) IMPS010012484973, by whom deposited-9953601227, (Sr.No. A-3) date of deposit-14.04.2020 Amount-1,25,000 Mode of deposit( Net banking), IMPS010510682520 by whom deposited-9953601227, (Sr.No. A- 4) date of deposit-15.04.2020 Amount- 1,25,000 Mode of deposit( Net banking)- IMPS010613950527 by whom deposited-9953601227, (Sr.No. A-5) date of deposit-16.05.2020 Amount-49,000 Mode of deposit( Net banking)- NEFT by whom deposited- Sam Pharma. Transactions / deposits in Bank Account No. 4621000100020275 PNB Branch at Bye Pass Solan, (Sr.No. B-1) date of deposit-07.04.2020, Amount-1,75,000, Mode of deposit- IMPS-IN/009822880085 Bye whom deposited- Inder Bhatia (9953601227), (Sr.No. B-2) date of deposit-09.04.2020, Amount-1,25,000, Mode of deposit- IMPS-IN/010012485614 Bye whom deposited- do, (Sr.No. B-3) date of deposit-10.04.2020, Amount-70,000, Mode of deposit- IMPS-IN/010100346891, Bye whom deposited- do, (Sr.No. B-4) date of deposit-14.04.2020, Amount-1,25,000, Mode of deposit- IMPS-IN/010510679072 Bye whom deposited- do, (Sr.No. B-5), date of deposit-15.04.2020, Amount-1,25,000, Mode of deposit- IMPS-IN/010613950888, Bye whom deposited- do. Settling of Rs. 3 lakh earlier is revealed vide Conversation dated 16.04.2020 of duration 4.33 min and same is corroborated with credit entries mentioned in the account statements of above accounts mentioned herein above at A-1 and B-1. Further, as per conversation dated 15.04.2020 of duration 17.58 min, Mr. Garg Informed that an amount of Rs. 4.25 Lac in SBI above and 4.45 in PNB A/c , in total 8.7 are credited in above accounts and relevant transactions / entries of Rs. 8.7 lacs are corroborated / matched with credit entries mentioned in the account statements of above accounts mentioned herein above at A2 to A-4 plus B-2 to B-5.In addition to this, it is also revealed vide Conversations dated 16.05.2020,

17.05.2020 and 19.05.2020 Rs. 49000/- was also received from somebody in the account of the relative of Mr. Garg on the instance of DHS and further transferred from the same account to the account of relative of DHS. The entry of said amount is also corroborated with credit entry mentioned in the account statement of above account mentioned herein above at A-5. From above conversations and bank account statements, an amount of Rs. 11,70,000/- in total, was credited in above accounts of family members of Mr. Garg from internet banking thorough attached Mob. No. 9953601227w.e.f. 07.04.2020 to 21.04.2020. And an amount of Rs. 49,000/- was credited in above account of family members of Mr. Garg from one Sam Pharma. Mob. No. 9953601227 is listed as Inder Bhatia in True caller. Further as per SDR, said Mob. No. i.e. 9953601227 is found in the name of one Mr. Indra Bhatia of M/s Abhilasha Commercial Private Limited, Regd Office G-69, Sector-6, District GB Nagar, Noida 201301 (UP). It is pertinent of mention here that below amounts were further transferred from above accounts of relatives of Garg & other accounts to the bank A/cs in the name of relatives of the then DHS. The detail of transactions is as under: (Sr. No.1) A/c No. from where amount is debited & particular of A/c Holder- A/c No. 37921514439 in the name of Mr. N, A/c No. in which amount is credited and particular of A/c Holder, 11128712446 in the name of Smt. Vidya Devi W/o Sh. Mohan Lal date-18.04.2020, Amount transferred-1,00,000.00, Relation of DHS with Credit A/c Holder-Mother, (Sr. No. 2) A/c No. from where amount is debited & particular of A/c Holder- A/c No. 30148242064, A/c No. in which amount is credited and particular of A/c Holder-do, date-20.04.2020, Amount transferred-1,00,000.00 Relation of DHS with Credit A/c Holder--do-, (Sr. No.-3) A/c No. from where amount is debited & particular of A/c Holder- A/c No. 20042124399 in the name of Life Care Agency, A/c No. in which amount is credited and particular of A/c Holder- A/c No. 20312787471 in the name of Apurva Gupta, date,- 21.04.2020 Amount transferred-1,50,000.00, Relation of DHS with Credit A/c Holder- Daughter, (Sr. No.-4) A/c No. from where amount is debited & particular of A/c Holder- A/c in the name of Mr. N, A/c No. in which amount is credited and particular of A/c Holder-- do- date,-22-04-2020 Amount transferred-1,00,000.00, Relation of DHS with Credit A/c Holder-do, (Sr. No.5) A/c No. from where amount is debited & particular of A/c Holder- A/c No. 30148242064, A/c No. in which amount is credited and particular of A/c Holder--do- date,- 22-04-2020 Amount transferred-50,000.00, Relation of DHS with Credit A/c Holder-do, (Sr. No.6) A/c No. from where amount is debited & particular of A/c Holder- Sam Pharma, A/c No. in which amount is credited and particular of A/c Holder-do , date,- 17-05-2020 Amount transferred-49,000.00, Relation of DHS with Credit A/c Holder-do, (Sr. No.7) A/c No. from where amount is debited & particular of A/c Holder- A/c No. 37921514439 in the name of Mr. N, A/c No. in which amount is credited and particular of A/c Holder-, A/c No. 10333598927 in the name of Smt. Renu Bala date- 20.04.2020 Amount transferred-1,00,000.00, Relation of DHS with Credit A/c Holder-Sister in Law, (Sr. No.8) A/c No. from where amount is debited & particular of A/c Holder- A/c No. 37921514439 in the name of Mr. N, A/c No. in which amount is credited and particular of A/c Holder- A/c No. 10333598927 in the name of Smt. Renu Bala, date,- 20-04-2020 Amount transferred-, 1,00,000.00, Relation of DHS with Credit A/c Holder-do, (Sr. No. 9) A/c No. from where amount is debited & particular of A/c Holder- A/c in the name of Mr. N, A/c No. in which amount is credited and particular of A/c Holder-do , date,-21-04-2020 Amount transferred-1,70,000/-, Relation of DHS with Credit A/c Holder-do, Total - 9,19,000/- It is pertinent to mention here that Directorate of Health Services, HP Shimla purchased Triple Layer Masks (Non-Woven) and N-95 Masks from M/s Abhilasha Commercial Private Limited, Regd Office G-69, Sector-6, District GB Nagar, Noida 201301 (UP) CIN No. U51909UP1993PTC040781 during the month of March and April 2020 in order to Combat against Global Health Emergency Covid -19. The detail of the same is as under:- (Sr. No.1) Name of item-Triple Layer Masks (Non-Woven) Invoice No. And Date- ACPL/0568 dated 31.03.20 Quantity-150000 Amount paid-1500000, (Sr. No.2) Name of item-do Invoice No. And Date- ACPL/0001 dated 02.04.2020 Quantity-8200 Amount paid-1722000, (Sr. No.3) Name of item- N-95 Masks Invoice No. And Date- ACPL/0002 dated 05.04.2020 Quantity-9627 Amount paid-2021670, (Sr. No. 4) Name of item-do Invoice No. And Date- ACPL/0003 dated 08.04.2020 Quantity-2173 Amount

paid-456330/-From relevant transcription of conversations between Mr. Garg and the then DHS, SDR, A/c Statements, Invoice, Supply orders etc, it is inferred that Sh. Ajay Kumar Gupta, the then DHS in active connivance with Mr. Garg by abusing his official position accepted & received various amounts to the tune of Rs. 12,19,000/- in total as illegal gratification, out of which Rs. 8,19,000/- in the banks Accounts of his relatives through the bank accounts of family members of Mr. Garg and his Agency/firm from M/s Abhilasha Commercial Private Limited above to whom various supply orders for Triple Layer Masks etc were issued by DHS, HP. The said articles were purchased from this firm and payment of Rs. 57,00,000/- was made to the firm by DHS, HP. In addition to this, Rs. 49,000/- was accepted & received in the banks Account of his relative through the bank account of family member of Mr. Garg from Sam Pharma. Hence, prima facie offence u/s 7, 8 & 9 PC Act (Amended) 2018 are made out against Dr. Ajay Kumar Gupta and Mr. Garg and firm(s) above.” Sd- Kailash Sharma, HPS, Dy. SP, SV&ACB SIU, Shimla-2 . Action taken- From the content of the report, a criminal case is registered in this Police Station and the investigation of the case is entrusted to Dy. SP. Varun Patial, IO SV&ACB, SIU, Shimla. Copy of FIR is being sent to the Ld. Court of Special Judge (Forest) Shimla and also to the senior officers of SV&ACB, Shimla. The copy of FIR is also being sent through E-mail for uploading the same on the website of Vigilance Bureau.

**13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.**

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं.2 में उल्लेख धारा के तहत है।):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

or (या)

(2) Directed (Name of I.O.): (जांच अधिकारी का नाम): Varun Patial

Rank (पद): Dy. SP (Deputy Superintendent of

No(सं.):

to take up the Investigation (को जांच आपने पास में लेने के लिए निर्देश दिया गया)

(3) Refused investigation due to (जांच के लिए):

or (के कारण इंकार किया या)

(4) Transferred to P.S.

District(ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R.read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant free

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.(आर.ओ.ए.सी.)

**14. Signature/Thumb impression of the complainant / informant.**

(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Signature/हस्ताक्षर

Signature of Officer in charge, Police Station

(थाना प्रभारी के हस्ताक्षर)

Name(नाम): Sushil Kumar Sharma

Rank (पद): Addl. SP (Additional Superintendent of Police)

No(सं.): 32636

**15. Date and time of dispatch to the court**

(अदालत में प्रेषण की दिनांक और समय):

Attachment to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused:(If known/seen )  
(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण :(यदि जात / देखा गया))

S.No.(क्र.सं.)	Sex (लिंग)	Date/Year of Birth ( जन्म तिथि / वर्ष)	Build (बनावट)	Height(cms.) (कद(से.मी))	Complexion (रंग )	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	Male	1960				
2	Unknown	1982				

Deformities/ Peculiarities (विकृतियाँ/ विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eyes (आँखें)	Habit(s) (आदतें)	Dress Habit(s) (पहनावा)
8	9	10	11	12	13

Place Of(का स्थान)					Others (अन्य)
Burn Mark (जले हुए का निशान)	Leucoderma (धवल रोग )	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.  
(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है।)