

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17813-2016

Date of Decision: August 22, 2016

ASI Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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M.M.S. BEDI, J (Oral)

The petitioner is working as an ASI with Punjab Police. He apprehends arrest in a case registered at the instance of one Jagjit Singh, a taxi driver, alleging that on 27.01.2016, wife of one Bhajan Singh had told the complainant that her husband had been taken by the petitioner in regard to drug paddling matter. The complainant had contacted the petitioner for releasing Bhajan Singh from the police custody. The petitioner allegedly demanded a sum of Rs. 20,000/- as bribe from the complainant

for releasing Bhajan Singh. A sum of Rs. 20,000/- had been handed over by the complainant to the petitioner after getting the same from Charanjit Kaur, wife of Bhajan Singh. The complainant is alleged to have stated that in similar manner, a sum of Rs. 30,000/- had been obtained from Mandeep Singh for releasing him from custody.

With the assistance of learned counsel for the State and ASI Gulzar Singh, I have gone through the original police file which indicates that Bhajan Singh and Mandeep Singh along with the petitioner are arrayed as accused in a case under Section 7 and 13(2) of the Prevention of Corruption Act. Till date, there does not appear to be any material gathered regarding Bhajan Singh and Mandeep Singh having been arrested or examined in any enquiry pertaining to intoxicant substances. They having been arrayed as accused and there are no statements of said persons having paid the money to Jagjit Singh.

Learned counsel for the petitioner has relied upon the affidavit of the complainant, Jagjit Singh, wherein he has deposed that he had not paid any money to the petitioner. Similarly there is another affidavit of Charanjit Kaur, wife of Bhajan Singh, that she had not paid any money to the petitioner or Jagjit Singh for release of Bhajan Singh.

Learned counsel for the petitioner has argued that the petitioner having not obliged his senior officials has been involved in the case by using the complainant.

Without expression of any opinion on merits, at this stage, it is sufficient to observe that the petitioner having joined the investigation; the investigation conducted in the last four months and the material gathered during the course of investigation, it does not appear to be a case of custodial interrogation.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer subject to the conditions that the petitioner will join the investigation as and when required and will not tamper with the evidence in any manner.

(M.M.S. BEDI)
JUDGE

August 22, 2016
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No