

CRM-M-26591 of 2018 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26591 of 2018 (O&M)
Date of Decision: 03.07.2018

Sukhjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Jaideep Verma, Advocate, for the petitioner.
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer through this petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to petitioner Sukhjinder Singh, who is a Head Constable, in case FIR No.109 dated 25.05.2018 registered under Sections 384 and 34 IPC at Police Station Division No.3, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner contends that petitioner is posted at a far away place situated at a distance of 125 kms from the place of occurrence in a different police station. Therefore, his presence at the spot is doubtful. Provisions of Section 383 Cr.P.C. are not fulfilled. Complainant has given affidavit in favour of the petitioner that he was not present at the alleged time of occurrence. Therefore, petitioner deserves concession of anticipatory bail. In support of his contentions, he relies upon

Dhananjay @ Dhananjay Kumar Singh v. State of Bihar and another, 2007(1) R.C.R.(Criminal) 855 (SC), Shaikh Mujib v. Shaikh Azim, 2017(2)

MR Bom.R(Cri) 361 (Bombay) and Lanka Hanumantha Rao and others v. State of A.P. and others, 2005 CriLJ 4327 (A.P.).

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On the other hand, learned State counsel vehemently opposed the anticipatory bail to the petitioner, submitting that mobile phone of the petitioner, which he inadvertently left at the spot while running away was handed over by the complainant to the police, which fact is sufficient to show presence of the petitioner at the place of occurrence for extorting bribe from the complainant.

Having given considerable thought to the submissions made by both the sides, this Court is of the view that petitioner, being a police official indulged in illegal activities of extorting money from the complainant under the garb of his official capacity, does not deserve concession of anticipatory bail inasmuch as his custodial interrogation is very much necessary to know as to how he used to deal with the extorted money.

Dismissed.

July 03, 2018

R.S.

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No