

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

(i) CRM No.M-45467 of 2017 (O&M)

Inspector Anil Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-46691 of 2017 (O&M)

Paramdeep Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

Date of Decision: October 12, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vipul Jindal, Advocate for
Mr.Vivek Salathia, Advocate
for the petitioners.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.J.S.Thind, Advocate
for the complainant (in CRM No.M-45467 of 2017) and
for respondent No.2 (in CRM No.M-46691 of 2017).

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these
have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C.

for grant of anticipatory bail in case FIR No.1 dated 18.01.2017 under

Sections 7, 13(2) of the Prevention of Corruption Act and Section 120-B IPC, registered at Police Station Vigilance Bureau, Amritsar.

Notice of motion was issued. Learned State counsel as well as learned counsel for complainant-respondent No.2 appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that during enquiry against the present petitioners, it was found that Hira Singh and his nephew Gurpreet Singh were wanted by the police, for the offence of indulging in the business of narcotic substance. On 10.08.2014, Inspector Anil Kumar and ASI Paramdeep Singh conducted raid at the house of Milkha Singh and his brother Swaran Singh. On 13.08.2014, ASI Paramdeep Singh received illegal gratification of ₹20,000/- from Milkha Singh through Harpal Singh @ Bhala, for not taking any action against Hira Singh and Gurpreet Singh and demanded another ₹15 lakhs. Milkha Singh arranged ₹7 lakhs from his relatives. Harpal Singh @ Bhala received ₹7 lakhs from Milkha Singh as illegal gratification for handing over the same to Inspector Anil Kumar and ASI Paramdeep Singh.

From the perusal of the record, I find that Harpal Singh @ Bhala has already been apprehended. Till now, there is nothing that any amount has been handed over to Inspector Anil Kumar.

Learned State counsel as well as learned counsel for the complainant submitted that they have audio recording of talk between ASI Paramdeep Singh and one Gurjeet Singh, from the complainant side. I have

and Gurjeet Singh. Keeping in view the above-said transcription of audio recording, prima facie, it looks that ASI Paramdeep Singh has talked about the matter in dispute and asked Gurjeet Singh to meet him but the whole conversation, nowhere mentions anything regarding bribe or involvement of Inspector Anil Kumar.

Keeping in view the facts and circumstances of the present case and allegations against ASI Paramdeep Singh, I find that he is required for custodial interrogation and no ground is made out for granting anticipatory bail to petitioner ASI Paramdeep Singh.

As regarding Inspector Anil Kumar, at the time of arguments, learned State counsel argued that mobile tower location shows that Inspector Anil Kumar was present along with ASI Paramdeep Singh and Gurjeet Singh and statement of complainant along with tower location is sufficient to connect Inspector Anil Kumar with the crime.

As already discussed, there is nothing that Harpal Singh @ Bhala paid any money to Inspector Anil Kumar or he was knowing that Harpal Singh @ Bhala has taken money in his name. Further, there is no reference of any type in the conversation regarding Inspector Anil Kumar, which was recorded on so many occasions between ASI Paramdeep Singh and Gurjeet Singh from the complainant side. At this stage, there is no allegation that Inspector Anil Kumar has received any money.

Petitioner Inspector Anil Kumar has already joined the investigation. He is not required for investigation or custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and

without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioner Inspector Anil Kumar is entitled to benefit of anticipatory bail. Therefore, the order dated 30.11.2017 granting interim bail to petitioner Inspector Anil Kumar, is made absolute.

Resultantly, CRM No.M-45467 of 2017 stands allowed whereas CRM No.M-46691 of 2017 stands dismissed.

The order dated 08.12.2017 granting interim bail to petitioner Paramdeep Singh stands vacated.

However, nothing stated above, shall constitute my opinion on merits of the case.

October 12, 2018	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No