

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-523-2018(O&M)
Date of Decision: 22.01.2018

Surjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Behl, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

Petitioner, who has retired from the post of Senior Superintendent of Police, has filed the instant petition seeking concession of pre-arrest bail in case F.I.R. No.20 dated 21.12.2017 under sections 13(1)(e) read with section 13(2) of the Prevention of Corruption Act, registered at Police Station, Vigilance Bureau, Patiala.

Briefly noticed, FIR has been registered on the allegations of petitioner amassing property and wealth disproportionate to his known sources of income and by resorting to corrupt means.

Counsel would contend that the petitioner has been falsely implicated. It is submitted that the petitioner joined Punjab Police as a Constable in the year 1972 and by dint of hard work and outstanding performance, petitioner earned promotions up to the rank of Senior Superintendent of Police. Various commendation certificates were awarded to the petitioner during his service tenure. Between the years 2007-2011 petitioner is stated to have posted as Superintendent of Police, Vigilance at

Ludhiana, Ferozepur and at Jalandhar. It is further urged that the service record of the petitioner has been without blemish. Petitioner is stated to have superannuated on 31.12.2012 from the rank of Senior Superintendent of Police and thereafter granted extension in service for a period of two years. Counsel argues that the FIR in question is the result of victimization inasmuch as the petitioner had interrogated one Sh. Bharat Inder Singh Chahal, who was holding a Minister's rank and was Advisor to the Chief Minister, State of Punjab during the previous Congress regime in the State during the years 2002 to 2007 and now that the Congress Party has returned to power in the State of Punjab, a false case has been foisted upon the petitioner so as to settle scores. Counsel further contends that the FIR has been registered in pursuance to a complaint having been filed with the Chief Director, Vigilance Bureau, Punjab by Sarabjit Singh Grewal, a permanent resident of U.S.A and who is related to Bharat Inder Singh Chahal. Counsel argues that even though, a vigilance inquiry is stated to have been conducted but the petitioner was only called once by the Inquiry Officer and wherein complete information had been furnished by the petitioner as regards the details of assets owned by him as also his family members. It is urged that the petitioner is ready and willing to join investigation and under such circumstances he be protected with an order of anticipatory bail.

Counsel for the parties have been heard.

On a previous date of hearing i.e. on 11.1.2018 this Court had taken notice of the fact that a vigilance inquiry had been conducted in pursuance to a private complaint having been lodged leveling allegations against the petitioner. Accordingly, while putting learned State counsel to notice in the petition, it was directed that the report of the vigilance inquiry

that was conducted prior to registration of the FIR, be produced before this Court.

During the course of resumed hearing, learned State counsel has furnished copy of report submitted by the S.S.P., Vigilance Bureau, Patiala Range, Patiala along with supporting documents. The report has been perused.

Apparently, the Vigilance Department/Inquiry Officer has recorded the statements of various revenue officials, bank officials and other persons and has also collected documentary evidence. Even the petitioner was called upon to furnish details of the moveable and immovable assets held/acquired by him as also his immediate relatives. The check period has been taken to be 1.4.1999 to 31.12.2014.

Learned State counsel has vehemently opposed the instant petition by contending that the details of asserts (moveable and immovable) furnished by the petitioner are at complete variance to the information collected by the Vigilance Department during the course of inquiry. The tentative conclusion drawn during the course of inquiry is that the income of the petitioner from his known sources of income for the check period was Rs.2,12,92,905/- whereas the petitioner has amassed property and incurred expenditure of Rs.12,19,70,803/-. The accusation coming forth in a nutshell is that the petitioner has amassed wealth/incurred expenditure of an amount of Rs.10,06,77,898.05 paise in excess of his known/declared sources of income and for the check period.

Learned State counsel has urged that the petitioner has recently retired from a senior position in Punjab Police and his erstwhile colleagues and subordinates are still in service and under such circumstances the

petitioner would be in a position to hamper the course of a free and fair investigation, if, insulated by an order of anticipatory bail.

The Hon'ble Supreme Court in case of ***Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others, (2011) 1 S.C.C, 694*** had elaborated upon the facts and parameters to be taken into consideration while dealing with an application/petition seeking anticipatory bail. It was observed that while considering the prayer for anticipatory bail a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused. It was further observed that the court is obligated to consider the reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant.

The allegations against the petitioner are serious in nature. The petitioner allegedly is stated to have misused his official position while holding a senior post under the Punjab Police so as to create vast assets both moveable and immovable. Report of the S.S.P., Vigilance Bureau, Patiala Range, Patiala and on the basis of which the FIR in question had been registered, indicates large number of *benami* transactions. The matter requires a deep and thorough probe. The vigilance report is also indicative of the fact that the petitioner has not come clean and revealed the complete truth as regards the assets held by him as also his immediate family members.

The plea of political vendetta raised by counsel representing the petitioner does not inspire any confidence. In such regard learned State counsel has made a categoric statement upon instructions from Inspector

Pritpal Singh, Vigilance Department, Patiala that the petitioner at no stage had interrogated Mr. Bharat Inder Singh Chahal during the previous Congress regime and at whose behest it is alleged that the private complaint had been made leading to the registration of the FIR.

In the totality of circumstances, this Court is of the considered view that there is a reasonable and justifiable ground to believe that in case the concession of pre-arrest bail is extended to the petitioner, he may misuse such concession and is likely to create a situation which would not be conducive to holding a free and fair investigation.

For the reasons recorded above, this Court does not find it to be a fit case to grant concession of pre-arrest bail to the petitioner.

Petition, accordingly, is dismissed.

It is, however, clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner seeking anticipatory bail and the same are not to influence the course of investigation in the matter.

(TEJINDER SINGH DHINDSA)
JUDGE

22.01.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No