

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

**CRM-M No.51231 of 2019
Decided on: 13.12.2019**

Kuldip Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.17 dated 23.10.2019, registered under Section 7 of the Prevention of Corruption Act, 1988 (in short 'the P.C. Act') at Police Station Vigilance Bureau Amritsar, District Amritsar.

Counsel for the petitioner has argued that as per the allegations in the FIR, which was got registered by one Inderjeet Rai, it is alleged that FIR No.28 dated 04.03.2019 under Sections 420 of the Indian Penal Code, 1860 and 61 of the Punjab Excise Act, 1914, was registered and ASI Kuldip Singh (petitioner herein) was the Investigating Officer. Later on, ASI Kuldip Singh was sent to Punjab Police Academy to attend a course and the investigation was transferred to ASI Rajinder Kumar. ASI Rajinder Kumar along with one police official came to the shop of the complainant on 20.10.2019 and since the complainant was not present at his shop, ASI Rajinder Kumar made a phone call to him and threatened him that in the aforesaid FIR No.28

dated 04.03.2019, the name of his son is going to be added as an accused so he should come and meet him in the Police Station on the next day i.e. 31.10.2019. When the complainant, on 31.10.2019 was going to meet him, he again received a mobile phone call from ASI Rajinder Kumar, who informed him to meet him near Morinda Palace, Gurdaspur. There the complainant met ASI Rajinder Kumar, who was coming in a car along with the petitioner ASI Kuldeep Singh and again, they informed that his son is going to be arrayed as an accused in FIR No.28 so, he should pay a sum of Rs.50,000/- as bribe to exonerate his son. When the complainant stated that his son has no connection with the said FIR, both the police officials insisted him to pay the amount. Again on 22.10.2019, ASI Kuldeep Singh demanded Rs.50,000/- on phone and on the request of the complainant, it was settled for Rs.40,000/- and the petitioner asked the complainant to hand over the amount to ASI Rajinder Kumar at Police Station City Gurdaspur. The said conversation of the petitioner with the complainant was recorded and he along with the currency notes of Rs.2,000/- and an audio recording of the phone call, gave it to the police, on which a team was constituted for laying a trap for apprehending ASI Rajinder Kumar after registration of the present FIR. Thereafter, a trap was laid and ASI Rajinder Kumar is apprehended along with the bribe money of Rs.40,000/-.

Counsel for the petitioner has further argued that at the relevant time, the petitioner was on training in Punjab Police Academy, Phillaur and was not present and therefore, his direct involvement is not there.

In reply, counsel for the State, on instructions from DSP Tejinderpal Singh, Vigilance Bureau Amrisar, has opposed the prayer for bail on the ground that the petitioner was initial Investigating Officer, who registered the FIR and he in conspiracy with ASI Rajinder Kumar forced the complainant to pay the bribe money under a threat that if the amount is not paid his son will be arrayed as an accused in the said FIR. It is also stated that there is a telephonic conversation which is recorded by the complainant – Inderjeet Rai in which the petitioner is demanding the money and asked the complainant to hand over the amount to ASI Rajinder Kumar.

Counsel for the State has further argued that on the basis of the information given by the complainant, a trap was laid and ASI Rajinder Kumar was apprehended along with the bribe money of Rs.40,000/- and therefore, the direct implication of the petitioner is there. It is further submitted that the custodial investigation of the petitioner is required as even from the audio clip, his involvement has come on record during the investigation.

After hearing the counsel for the parties and looking into the conduct of the petitioner and considering the serious allegations against him, who being a police official and a public servant and being involved in demanding bribe from the complainant has misused his power and during this process, the co-accused was arrested, therefore, I do not find any ground to grant anticipatory bail to the petitioner.

Dismissed.

Nothing observed herein shall be construed as an expression of opinion on merits of the case as the findings given herein

are only for the purpose of deciding the bail application of the petitioner.

13.12.2019

(ARVIND SINGH SANGWAN)

JUDGE

yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No