

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

CRM-M-11652-2020

Date of Decision:-20.5.2020

ASI KARNAIL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. A.G. Punjab.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court)

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.2 dated 30.1.2020 under Sections 7, 7-A of the Prevention of Corruption Act at Police Station Vigilance Bureau, Ferozpur.
2. The FIR in question was lodged at the instance of Krishan Kumar wherein it had been alleged that he is an agriculturist by profession and that on 19.12.2019 Tari son of Ajit Singh had abused his mother Jasvir Kaur and had also attempted to give beatings to her and on account of which there was some dispute amongst them and he had lodged a

complaint against Tari etc. at Police Station Nihal Singh Wala on 19.12.2019 itself. It is alleged that about 12 days back ASI Karnail Singh came to his house and took him to the Police Station stating that Tari filed complaint against him and after taking him to the Police Station he was tortured and was threatened that he would be implicated in some false case of snatching, drugs etc. and that in case the complainant wanted to save himself he would have to give an amount of ₹40,000/-. It is alleged that the complainant's younger brother Jaspreet Singh reached there who tried to reason out with ASI Karnail Singh and stated that they being daily wagers could not pay the huge amount and upon which ASI Karnail Singh said that they would in any case have to pay an amount of ₹20,000/-. It is further stated therein that thereafter Lakhvir Singh Seera, President of village came to the Police Station who also talked to ASI Karnail Singh and ASI Karnail Singh stated that an amount of ₹5,000/- be paid to him immediately and balance amount may be paid later on. Lakhvir Singh Seera paid an amount of ₹5,000/- to the ASI and thereafter the complainant along with his brother Jaspreet Singh left the Police Station. ASI Karnail Singh had told that the balance amount be given to Lakhvir Singh Seera, President and that he would collect the same from him. The complainant however made a complaint to Vigilance Bureau, Moga, which laid a trap to nab the accused. It is further case of prosecution that as planned, tainted currency notes whose serial numbers had been noted down were handed over to the complainant-Krishan Kumar with a direction that the same be handed over to Lakhvir Singh

Seera only on his demand. Accordingly, as planned the aforesaid currency notes were given to Lakhvir Singh Seera and were recovered by the Officers of the Vigilance Bureau. A recording of the audio conversation which had taken place between the complainant Krishan Kumar and Lakhvir Singh Seera was also prepared.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case the alleged tainted currency notes were never recovered from the petitioner and are stated to have been recovered from Lakhvir Singh Seera and that the petitioner cannot be connected with the alleged recovery in any manner.
4. On the other hand learned State counsel has submitted that since there are specific allegations to the effect that the petitioner-ASI Karnail Singh had asked complainant to hand over the amount to Lakhvir Singh Seera and that there is an audio recording indicating the complicity of the petitioner, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. The case of the prosecution is prima-facie substantiated from the recovery of aforesaid currency notes from Lakhvir Singh Seera and also from audio recording which proves complicity of the petitioner. In any case, it is highly unlikely that the petitioner who himself is a Police Officer would be falsely involved by other officials of his own Department. As such, this Court does not find any special case of anticipatory bail. The petition, as such, is sans merit and is hereby dismissed.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

20.5.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No