

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M-26666-2021

DATE OF DECISION:23.07.2021

GURDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prabhjot Singh, Advocate
for the Petitioner.

Mr. S.S. Deol, DAG, Punjab.

S. SEHGAL, J. (Oral)

Heard through Video Conferencing.

This is the second petition under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail in FIR No. 136 dated 24.08.2020 lodged for offence under Sections 384, 420, 34, IPC and Section 7 of the Prevention of Corruption Act, 1988 (for short “the P.C. Act”) at P.S. City Jalalabad, District Fazilka.

FIR (Annexure P-1) has been registered on the statement of Sukhwinder Singh with the allegation that on 23.08.2020, when he was travelling on his car with a friend, accused-Malkiat Singh, who was in police uniform, accompanied by three youths in civil clothes, extorted Rs. 2.50 lacs from them under the threat that being police officials, they will involve them in a false case of dealing in Heroin. The accused kept their car

and mobile phones and demanded another amount of Rs. 2.50 lacs from them. Before making additional payment, the complainant intimated the police. Accused, Madan Lal and Gursahib Singh, were apprehended from the spot in a car which belonged to Madan Lal and cash was recovered from them. Section 7 of the P.C. Act was added and Trish Vakeel Singh was named as an accused on 25.08.2020.

Counsel for the petitioner has contended that the petitioner is not named in the FIR and no recovery has been effected from him. He urges that the petitioner has been nominated vide GD No. 52 dated 14.09.2020 (Annexure P-3) due to motivated consideration because of a grudge with the CIA Staff. He submits that the petitioner is an ASI and he is posted as Naib Reader to DSP (PBI) Ferozepur and was not involved in the incident.

Opposing his petition, State Counsel upon instructions from ASI Bhajan Singh has submitted that during the course of investigation, the State has collected evidence which establishes the complicity and presence of the petitioner when Rs. 2.5 lacs was extracted from the complainant. He has made a reference to the status report filed by way of affidavit of Palwinder Singh, PPS, Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka in the first petition seeking anticipatory bail filed by the petitioner. He submits that the petitioner was involved in another case with almost similar allegations, though he was acquitted because the prime witness turned hostile.

I have considered the submissions of counsel for the parties.

In the status report filed by the State, it has been submitted that

the accused had obtained the signatures of the complainant and his friend on blank papers and converted them into their confessional statements. The handwriting on the said papers, according to the State, is that of the petitioner. It has been further stated that a SIT was constituted and during investigation, it was found that the mobile tower location of all the four accused was the same and the petitioner was in constant conversation on his cell with the co-accused during the entire episode and he was in the area of the incident, despite the fact that he was posted in Police Line Ferozepur. In these circumstances, this Court is satisfied that the custodial interrogation of the petitioner is necessary to determine his nexus with the co-accused. Consequently, this Court is of the view that the petition has no merit.

Furthermore, the instant petition has been filed six months after the first petition seeking pre-arrest bail was withdrawn after arguments in January, 2021 and it does not behove the petitioner, who is a police official, to be on the run for the last 11 months, despite the fact that he has been placed under suspension by the department.

The petition is accordingly dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

23.07.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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

