

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

CRM-M-53743 of 2021

Date of decision: 22.12.2021

Sukhdev Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Dhawan, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 30 dated 1.12.2021, under Section 7 of the Prevention of Corruption Act, 1988 and Sections 341, 384, 120-B IPC, registered at Police Station Vigilance Bureau, Range Jalandhar, District Jalandhar.

The case was registered at the instance of Sharanjit Singh. The complaint was investigated by the Vigilance Bureau. As per the facts narrated in the FIR, four to five years back the complainant was consuming narcotic substances but for the last 2-1/2 years was on his track for rehabilitation and was taking medication from De-addiction centre. On 11.11.2021, while driving motor cycle bearing registration No. PB08-AZ-5137, he was stopped by a police official in civil dress. He along with his motor cycle and phone was taken to Police Post Jandu

Singha. At the Police Post, another police official-Hardeep Lal in civil dress threatened that the complainant would be implicated in a drug case regarding recovery of 40 grams of intoxicant powder. A sum of Rs.60,000/- was demanded as bribe. He was taken to the ASI-Sukhdev Singh (petitioner) Incharge of the Police Post, he demanded Rs.25,000/-. At 7.00 PM, he was allowed to leave the Police Post and his mobile and motor cycle were kept. The petitioner directed him to bring Rs.25,000/- on the next day and take back his mobile and motor cycle. On 19.11.2021, the complainant along with his wife went to the Police Post with a recorder. The wife of the petitioner managed to record the conversation between her, petitioner and Constable Hardeep Lal demanding Rs.25,000/-. The deal was struck for Rs.20,000/-.

Learned counsel for the petitioner submits that it is a case of false implication. Due to professional jealousy, Incharge of the Police Post has concocted the entire story and used the complainant. There is a delay in lodging the FIR as the alleged recording is of 19.11.2021 whereas the FIR was registered on 1.12.2021.

Learned counsel for the State appearing on advance notice on instructions from Inspector-Rajwinder Kaur opposes the prayer for grant of pre-arrest bail. He submits that the Vigilance Bureau on receiving the complaint raided the police post. The mobile and motor cycle belonging to the complainant were recovered. On enquiry from the petitioner, he produced a packet of smack stating that this was the recovery of the contraband from the complainant but no FIR was registered. The submission is that thereafter on the statement of the complainant, the

present FIR has been registered. The petitioner is a police official and there is every chance of his influencing the complainant. He further relies upon the fact that these are not mere allegations, there is recording produced by the complainant.

It would not be appropriate for this court at the stage of considering the anticipatory bail to deal with the merits of the case and the defence raised by learned counsel for the petitioner. Suffice to say that the raid by Vigilance Bureau and recoveries made *prima facie* lends support to the allegations made by the complainant. Apart from the allegations, there is recording produced. Considering the official status of the petitioner, there would be an apprehension that the complainant or the witnesses could be influenced. A deeper probe is required.

No case is made out for grant of anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

22nd December, 2021
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |