

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

CRM-M-7895 of 2022

DECIDED ON: 17th March, 2022

SI/LR Satinderpal Singh

.....PETITIONER

VERSUS

State of UT Chandigarh

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sant Pal Singh Sidhu, Advocate for petitioner.

Mr. Rajeev Anand, APP for UT Chandigarh.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

Petitioner is seeking anticipatory bail in case of FIR No. 6 dated 11.1.2022, under Sections 419, 420, 464, 465, 467, 468, 471, 120-B IPC, 1860, (later on added section 7/13 of Prevention of Corruption Act, 1988 (Amendment Act, 2018), registered at Police Station North, Sector 3, Chandigarh.

The FIR was registered on a complaint of Vibhor Kumar, PPS, DSP, working as Staff Officer to the then Director General of Police, Punjab. As per the contents of the complaint, some police officials including the petitioner got promotions on the basis of fake promotion orders and the original records with regard to promotions were missing.

Learned counsel for the petitioner submits that the petitioner was nominated on the basis of statement of Davinder Singh Sub Inspector who stated that in October, 2021 the petitioner took the original file from E-3 Branch and did not return it. The contention is that there is no allegation of

forgery of file allegedly taken by petitioner, the case is set up on the basis of promotion order dated 4.1.2022. He contended that statement of co-accused-Harwinder Singh that petitioner promised him promotion, cannot be relied upon, as he is one of the beneficiary. It is argued that as per the reply filed, the petitioner got three promotions within a span of four months whereas the allegation of forgery is only with regard to order passed in January 2022. It is contended that the petitioner had joined the investigation twice and was being forced to become witness against the officials which he refused. Submission is that in case there are forged signatures, the investigating agency should first get the signatures examined, thereafter fix the responsibility only then question of custody of petitioner will arise.

Learned Counsel for UT Chandigarh vehemently opposes the prayer for grant of anticipatory bail. He submits that Sub Inspector Davinder Singh, Incharge of E-3 Branch, made a statement under Section 164 Cr.P.C. to the effect that the petitioner took away file of promotion for the post of Head Constable and he never returned it back. He further opposes the prayer by submitting that neither orders nor files of promotion of accused are available in record, only endorsement numbers in the endorsement register are there. The contention is that Harwinder Singh made a statement that his promotion was at the behest of petitioner as he was attached to PA of previous DGP. He insisted that the custody of the petitioner is required to unearth *modus-operandi* and to recover the record.

The observations made hereinabove are only for the purpose of deciding the anticipatory bail and shall not be construed as an expression of opinion on the merits of the case.

The petitioner is an employee of disciplinary force. The allegations are that his promotion orders were fake. It is not in disputed that the petitioner alongwith co-accused are beneficiaries of the orders. The evidentiary value of the statements recorded of Harwinder Singh and Davinder Singh would be subject matter of investigation and trial. The petitioner being aware of the working of the department, *modus-operandi* adopted for procuring the orders in question and also being employee of the department would be in a position to tamper with the evidence and influence the witnesses. Original file is allegedly with the petitioner, in case protected with pre-arrest bail, the deeper probe required would not be possible.

The petition is dismissed.

17th March, 2022

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*
Whether reportable *Yes*