

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101+205

CRM-M-27081-2022

Reserved on: 29th September, 2022

Date of Pronouncement : 30th September, 2022

Prabhjot Singh Sidhu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Bipin Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. APS Tung, DAG, Punjab.

Mr. SPS Sidhu, Advocate for the complainant.

AVNEESH JHINGAN , J.

This petition is filed seeking anticipatory bail to the petitioner in case of FIR No. 0126 dated 3.6.2022 under Section 7 of Prevention of Corruption Act, 1988 and Section 384 IPC, 1860 registered at P.S. Sadar, Nabha, District Patiala.

The FIR was registered at the instance of Palwinder Singh. He stated that his elder son Bhavjeet Singh Gill (hereinafter referred to as 'accused') was lodged in Jail in an FIR under Section 302 IPC. He was brought to Nabha jail from Ropar on 18.5.2022. Petitioner (Prabhjot Singh Sidhu), Deputy Superintendent of Police posted at New Nabha Jail locked the accused in a closed cell and tortured him. He was kept there for two days. He was having infection in mouth and allergy on his body. It was

stated that petitioner demanded Rs. 2,50,000/- for bringing accused out of the cell. Further petitioner told that out of bribe money some money was to be given to the Superintendent of Jail. On asking of petitioner the accused made a call for arranging the bribe. On 20th May, 2022 at 10.00 pm, the amount was paid to the petitioner by brother of the accused near the University, at Patiala. On receipt of the amount, accused was brought out of closed cell.

An enquiry was conducted by the Deputy Inspector General of Prisons. From the CCTV footage and statements recorded, it was concluded that from 20th May, 2022 to 26th May, 2022 Rajdeep Singh Brar, Deputy Superintendent (Administration) (for short DSP (A)) was on leave and in the meantime, petitioner was exercising his power. Petitioner repeatedly called accused to the *Deodi* and through mobile with international number, accused was made to talk to his family and thereafter the number was deleted.

Learned Senior Counsel for the petitioner submits that from the enquiry report, it is forthcoming that the petitioner was not discharging duty as DSP (A) on 18.5.2022. Rajdeep Singh was the DSP (A) when accused was not put in a closed cell. Petitioner got the charge of DSP (A) in evening of 19.5.2022 whereas accused was put in closed cell on 18.5.2022. It is argued that as per the statement of Iqbal Singh Dhaliwal (Superintendent of Jail), the inmates who were transferred on administrative grounds, as per procedure were kept in closed cell till the verification. He stated that the petitioner on 20.5.2022 asked him about shifting the prisoners from closed cell to general barrack. On an query by Superintendent from petitioner with regard to the verification, it was

barrack. Reliance is placed upon the document received under the Right to Information Act, 2005. As per document, the accused was shifted from the closed cell to general barrack on 20.5.2022 before 7:50 pm. The contention is that as per the allegations Rupees two lakhs were paid at 10:00 pm and thereafter the accused was shifted to the barrack. It is further submitted that as per the contents of the FIR, the accused was provided medical treatment in the jail hospital for the mouth infection. To conclude, it is argued that the allegations of the complainant do not corroborate with the statements recorded during enquiry. It is further submitted that the petitioner has been suspended.

Learned State Counsel opposes the prayer and submits that as per the allegations, Rupees two lakhs were taken from the brother of the accused. The allegations are serious and the petitioner has misused his official position.

Mr. SPS Sidhu, Advocate appears for the complainant though not impleaded as party and opposes the prayer for grant of anticipatory bail. It is submitted that as per the allegations, money received was not meant for the petitioner alone and it was for the other official of the jail also. The argument is that reliance cannot be placed on the statement of Superintendent of Jail, as his role is also under scanner.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and are only for purpose of deciding this petition.

The allegations against the petitioner are serious. He was posted as Deputy Superintendent at Nabha Jail. From 20.5.2022 to 26.5.2022 as Rajdeep Singh Brar- DSP(A) was on leave since evening of

19.5.2022 the petitioner was having charge of administration also. As per the complainant, after transfer from Ropar Jail to Nabha his son was kept in a closed cell without food and tortured. The petitioner demanded Rs. 2,50,000/- for bringing his son out of the cell and on 20.5.2022 Rs. 2,00,000/- were paid by Abhi Singh (brother of the accused) near University at Patiala. The accused was called in the *Deodi* in the office of the petitioner and by using international number in mobile, he was made to talk at his place for arranging the bribe money.

On receiving the complaint, an enquiry was conducted by Additional Director General of Police (Prisons), Punjab. Statements of the prisoners, complainant, brother of the accused, Head Warders, Superintendent of Jail, DSP (A) of Nabha Jail and Medical Officer were recorded. CCTV footage was perused. On consideration of the statements and the evidence collected, it revealed that demand of Rs. 2,50,000/- was made from the accused for not harassing and shifting him to general barracks from closed cell. The CCTV footage confirmed that the accused was repeatedly called to the *Deodi* and through a mobile he was made to talk to family, thereafter the numbers were deleted.

The brother of the accused produced the screenshot of the calls received. The complainant and the brother of the accused in their statements supported the allegations and produced Toll Plaza slip of Abhi Singh dated 20.5.2022 while he was coming from Rajpura to Patiala to handover the money to the petitioner. Attempts made during the enquiry to associate the petitioner failed as he avoided it.

The contention that the petitioner was not In-charge on 18.5.2022 when the accused was kept in closed cell and that he was shifted to general barrack at 7:50 pm on 20.5.2022 before the money handed over

does not enhance the case of the petitioner for grant of anticipatory bail. The family of the accused will not be aware of every incident in the jail and the procedure being followed inside the jail. It is not disputed that the petitioner was posted in the jail and from 19.5.2022 evening was discharging the administrative duties also as DSP (A) was on leave. Reliance on the statement made by Superintendent of Jail needs no comment at this stage. Suffice to say that as per the allegations, the petitioner told that out of bribe received, some amount was to be paid to him.

Considering the gravity of the allegations, that the accused and his family members were exploited by using the official position, a deeper probe is required to unearth the *modus operandi* adopted.

The issue needs to be considered from an angle that demand of illegal gratification was made in a well-planned manner by using an international number and deleting the numbers thereafter. Apart from the statements recorded, there are other evidence including the CCTV footage against the petitioner.

The fact cannot be lost sight of that even though the petitioner is suspended at this stage but with his official capacity he would be in a position to influence the accused being an inmate and his family and can tamper with evidence.

No case is made out for grant of anticipatory bail.

Petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

30th September, 2022
anuradha

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