

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36342 of 2022

Date of Decision: 11th October, 2022

Harpal Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Gupta, Advocate for the petitioner.
Mr. APS Tung, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition is filed seeking anticipatory bail in FIR No. 10 dated 11.7.2022, under Section 7 of the Prevention of Corruption Act, 1988 (Amended Act, 2018) (for short, 'the Act'), registered at Police Station Vigilance Bureau, Range Amritsar.

The brief facts are that the petitioner was an ASI in Punjab Police. FIR No. 230 of 2019 under Sections 452 and 325 IPC was got registered at Police Station City Tarn Taran by Paramjit Singh. The petitioner was investigating the case being incharge of Police Post Dhora of Police Station City Tarn Taran. He in the presence of Harjinder Singh, Ex-Sarpanch and Dalbir Singh demanded Rs.45,000/- and accepted Rs.40,000/- from Balwinder Kaur (mother of the complainant), for adding Section 307 IPC in the FIR. The complainant filed a complaint dated 8.8.2020 to the Chairman, Punjab State Human Rights Commission, Chandigarh reiterating the allegations of demand and acceptance of bribe. The allegations were forwarded to the Chief Director, Vigilance Bureau,

Punjab. After prima facie verifying the facts, the present FIR was registered.

Learned counsel for the petitioner submits that there is time gap of two and half years between the alleged incident and registering of the FIR. It is further argued that there are no allegation that balance amount for addition of Section 307 IPC was ever paid. The contention is that the petitioner was found innocent in the departmental enquiry.

Learned counsel for the State on instructions vehemently opposes the prayer. He submits that apart from the allegations of the complainant, there are witnesses in whose presence the amount of Rs.45,000/- was demanded and Rs.40,000/- was accepted by the petitioner. During enquiry, statements of witnesses were recorded. He further submits that antecedents of the petitioner are not clean, he is an accused in FIR No. 267 dated 10.11.2021, under Sections 7 and 8 of the Act read with Sections 18 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station City Tarn Taran. It is argued that in FIR No. 267, illegal gratification of Rs.6,60,000/- was recovered from the petitioner, which he had accepted bribe for not registering a case against the accused from whom fifteen kilograms of Opium was recovered. It is further contended that the petitioner absented himself during the trial in case of FIR No. 267, his bail bonds have been cancelled and twice non-bailable warrants have been issued.

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

The contentions raised by learned counsel for the petitioner lack merit.

The contention of non-payment of balance amount for addition of Section 307 IPC being not paid, does not enhance the case of the petitioner. Apart from the allegations of the complainant, there are independent witnesses in whose presence, there was demand and acceptance of illegal gratification.

In August, 2020 the complainant filed a complaint before Punjab State Human Rights Commission which was forwarded and thereafter the police acted upon it and registered FIR. *Prima facie*, there is no delay, suffice to say that the delay if any would be subject matter of trial.

It is undisputed fact that before registering the FIR, the Vigilance Bureau had a preliminary enquiry in which statements of the witnesses in whose presence demand of illegal gratification was made and accepted were recorded.

The allegations against the petitioner are that he being a police official mis-used his position. Though he is dismissed from service, still would be in a position to influence the complainant.

To un-earth the *modus operandi*, the custody of the petitioner would be required and no case is made out for grant of anticipatory bail.

It would not be out of place to mention that the petitioner was dismissed from service and twice non-bailable warrants against him have already been issued in FIR No. 267.

The petition for anticipatory bail is dismissed.

[AVNEESH JHINGAN]
JUDGE

11th October, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |