

101

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

CRM-M No. 49328 of 2022  
Date of Decision: 29.10.2022

Inderjit Singh @ Indi

-Petitioner

Versus

State of Punjab

-Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. A.P.S. Deol, Sr. Advocate, with  
Mr. Himmat Singh Deol, Advocate,  
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

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**RAJ MOHAN SINGH, J. (Oral)**

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.11 dated 16.08.2022 under Sections 420, 409, 467, 468, 471, 120-B IPC and under Sections 7, 8, 12, 13(2) of Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Ludhiana.

Learned senior counsel for the petitioner submits that though the prayer for anticipatory bail made by co-accused namely Sandeep Bhatia, Jagroop Singh, Surinder Kumar and Anil Jain has been dismissed by this Court in CRM-M No.41913 of 2022, CRM-M No.41915 of 2022, CRM-M No.45678 of 2022

and CRM-M No.46641 of 2022 respectively, but the case of the petitioner is different than those of co-accused.

Petitioner was not nominated as an accused on the basis of first disclosure statement made by Telu Ram, Contractor. There is no mention in the application dated 23.08.2022, whereby police remand of the minister was sought. Name of the petitioner did not even figure in the alleged pocket diary recovered at the instance of Telu Ram in his disclosure statement dated 17.08.2022. Even in the second application for police remand dated 26.08.2022 of the minister, there is no mention of any secret information that the petitioner i.e. Inderjit Singh @ Indi, P.A. was overheard talking on mobile on 22.08.2022 at 7.00 P.M. while standing in Kumhar Mandi Chowk, Ludhiana.

Learned senior counsel for the petitioner further submits that the information regarding overhearing petitioner talking with some unknown person telling him to meet at Simran Boutique shop later at night is a mystery. Thereafter, one clean shaven person having come on motorcycle and leaving one bag containing some incriminating documents relating to the minister at about 10 P.M. is also imaginary. According to learned senior counsel for the petitioner, this story is nothing but a padding by the police so as to cover up the issue. The alleged conversation

is stated to have been overheard by some secret informer, whose identity cannot be disclosed. On the basis of alleged secret information, petitioner has been nominated as an accused in the third application of police remand of the minister dated 31.08.2022.

*Per contra*, learned State counsel with reference to status report submits that the petitioner has been nominated in the present case on 27.08.2022 as secret information was received by the Deputy Superintendent of Police, Vigilance Bureau, Range, Ludhiana on 24.08.2022 to the effect that on 22.08.2022 at about 7 PM, the petitioner was talking with someone on his mobile phone that the minister has been arrested by the Vigilance Bureau and the said person has to visit the house of the minister before the arrival of the police to collect one black colour bag containing documents of properties, important documents, jewellery and money and reach at Simran Boutique shop of Rajinder Singh @ Dara. It was also informed by the secret informer that on 22.08.2022, at about 10.00 PM, one unknown person came on motorcycle outside Simran Boutique and handed over a bag to the petitioner who is PA of the ex-minister. The petitioner after receiving the bag went away from the spot. The matter was brought to the notice of Senior Superintendent of Police,

Vigilance Bureau, Ludhiana who deputed Mr. Parminder Singh, Deputy Superintendent of Police to verify the secret information. The DSP along with police party visited the house of Rajinder Singh @ Dara of Simran Boutique, but none was found there and thereafter, the police visited the house of the petitioner which was found locked. On 26.08.2022, the Deputy Superintendent of Police checked the CCTV cameras of concerned localities near Simran Boutique and found that the contents of secret information were correct. CCTV cameras recordings of nearby places like Kareena Fashion owned by Kishore Chand, Batra Market, Ghumar Mandi near Mai Nand Kaur Gurdwara Sahib and godown of Sunny Batra were checked. Thereafter, petitioner was nominated as an accused.

Apparently, the investigation is still pending.

Learned senior counsel for the petitioner with reference to **Kusal Toppo and another vs State of Jharkhand, 2018(5) RCR (Criminal) 534** submits that Section 27 of the Indian Evidence Act has been mis-used by the police and the Court is required to be vigilant about its application in the present case in order to ensure credibility of evidence collected by the police. The aforesaid provision is vulnerable to abuse. There cannot be any dispute regarding the ratio of the aforesaid judgment which was delivered by the Hon'ble Apex

Court after conclusion of the trial and other remedies before the concerned Courts. It is equally correct that the alleged vulnerability of the provision for mis-user cannot be seen with suspicion in every case and the same cannot be discarded only on this premise. The Court has to be cautious that no effort is made by the prosecution to make out a statement of the accused with a simple case of recovery as a case of discovery of fact in order to apply provision of Section 27 of the Evidence Act. Any comment on merits at this stage may prejudice the case of one of the parties. Since the matter is still under investigation, therefore, this Court refrains from making any observation on merits and credibility of any such statement under Section 27 of the Evidence Act.

Grant of anticipatory bail in economic offences would definitely hamper the investigation to some extent. Such relief has to be on exceptional note and the power under Section 438 Cr.P.C. has to be sparingly exercised being an extraordinary power. The judicial discretion conferred upon the Court has to be judicially exercised, keeping in view the nature and gravity of accusation. The Court must be circumspect while exercising such power for grant of anticipatory bail, particularly in economic offences which stand as a different class and affect the economic fabric of the Society. The accused is not entitled to

anticipatory bail in a routine manner.

Since the investigation is pending, therefore, at this stage of investigation, grant of anticipatory bail may frustrate the Investigating Agency in interrogating the accused for collecting incriminating material which might have been concealed.

Having considered the submissions made by learned counsel for the parties, this Court finds that the custodial interrogation of the petitioner is required.

Reference can be made to P. Chidambaram vs Directorate of Enforcement, 2019(4) RCR (Criminal) 875 and Gurdev Singh Syan vs State of Punjab, 2018(1) RCR (Criminal) 857.

At this stage, without making any opinion on the merits of the case, it can be observed that custodial interrogation of the petitioner is required for effective investigation of the case.

No ground is made out to grant any concession of anticipatory bail to the petitioner.

*Dismissed.*

29.10.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

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|------------------------------|---|--------|
| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable        | : | Yes/No |