

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-238-2023 (O&M)
Date of Decision:- 23.3.2023

Ramesh Kumar Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raghav Gulati, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by HC Hardeep Singh.

None for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.0028, dated 06.12.2022, Police Station Vigilance Bureau, District Amritsar, under Section 7 of the Prevention of Corruption Act 1988 (as amended by PC Amendment Act of 2018).
2. Short reply by way of affidavit of Mr. Jogeshwar Singh Goraya, Deputy Superintendent of Police, Vigilance Bureau, Unit Gurdaspur, has been filed. The same is taken on record. A copy of the same has been furnished to learned counsel opposite.

3. At the time of issuance of interim bail the following order was passed on 06.01.2023:

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.0028, dated 06.12.2022, Police Station Vigilance Bureau, District Amritsar, under Section 7 of the Prevention of Corruption Act 1988 (as amended by PC Amendment Act of 2018).

The FIR was lodged at the instance of Mr. Dhawaljit Dutta, Advocate wherein it is alleged that petitioner ASI-Ramesh Kumar who is posted as Reader to Deputy District Attorney, Gurdaspur had demanded an amount of Rs.40,000/- as bribe from Surinder Mohan and had actually accepted an amount of Rs.10,000/- as bribe for the purpose of processing the complaint filed by Surinder Mohan and for doing the needful in the inquiry file for the purpose of lodging of FIR.

Learned counsel for the petitioner submits that there is no evidence to substantiate the allegations as levelled in the FIR and although the complainant claims that there is an audio recording in respect of the alleged demand but apart from the fact that authenticity of the said audio conversation is yet to be established, there is no specific demand of bribe in the said conversation.

Notice of motion for 23.3.2023.

At this stage, Mr. Amandeep Singh, Advocate, for the complainant, has put in appearance alongwith complainant.

Ms. Swati Batra, DAG, Punjab, has appeared on behalf of State pursuant to an advance notice. She has shown the transcript of the audio conversation between petitioner and Surinder Mohan wherein there are some traces of reference to some illegal consideration but there is no specific demand on part of the petitioner in so many words.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and furnish his voice samples and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

4. Learned State counsel, assisted by HC Hardeep Singh, has submitted that pursuant to the interim directions, the petitioner has joined investigation and is not required for any custodial interrogation. It has also been informed that although an application for getting his voice samples has been filed, but the same is still pending before the trial Court and is fixed for 12.4.2023. It has been informed that the petitioner is not involved in any other case.
5. In view of the aforestated position wherein the petitioner has joined investigation and otherwise has a clean record and he himself was not caught red-handed, the petition is accepted and the interim directions issued by this Court vide order dated 06.01.2023 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is however, directed that the aforesaid order shall be subject to the condition that the petitioner shall furnish voice sample, as and when directed, and not threaten the witnesses, in any manner. In case, it is found that the petitioner does not cooperate for furnishing voice

samples or is found to be intimidating the witnesses, it shall be open to the prosecution to move an application for cancellation of bail.

23.03.2023
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No