

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

CRM-M-717-2023 (O&M)

Date of Decision:- 25.1.2023

Tejinder Singh @ Goldy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjay Gupta, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by Inspector Lakhwinder Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 22 dated 24.11.2022 under Section 7 of the Prevention of Corruption Act, 1984 and Section 120-B IPC at Police Station Vigilance Bureau Range Jalandhar, District Jalandhar.
2. The FIR was lodged at the instance of Jugraj Singh wherein he stated that he as well as his cousin Gurvinder Singh jointly owned land and that an application for partition of the same was pending in the office of Tehsildar. Complainant alleged that Girdwar Tejinder Singh @ Goldy (petitioner) and Lakhvir Singh, Patwari demanded an amount of Rs. 10,000/- in lieu of assigning him a better portion of land upon partition. It is alleged that Girdwar Tejinder Singh @ Goldy and Lakhvir Singh, Patwari demanded an amount of Rs. 10,000/- as bribe. At that time, the complainant could not record the conversation. Later, the complainant again met Girdwar Tejinder Singh @ Goldy and Lakhvir Singh, Patwari and they again demanded bribe.

Since the complainant did not wish to pay the bribe, therefore, he went to the office of Vigilance Bureau on 24.11.2022 and produced the CD in which there was recording of conversation regarding demand of bribe.

3. It is further the case of prosecution that pursuant to receipt of aforesaid information, a trap was laid and a raid was conducted and Patwari Lakhvir Singh was caught red-handed while accepting bribe from the complainant.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was never ever found at the spot when co-accused Lakhvir Singh was caught red-handed by the police while accepting bribe and that apparently, it could be a case that co-accused Lakhvir Singh might have demanded or accepted bribe. The learned counsel has further submitted that though the complainant claims to have furnished audio-recording pertaining to conversation between the complainant and the petitioner, but no authenticity can be attached to the same in the absence of any opinion of expert regarding genuineness of such recording.
5. Opposing the petition, the learned State counsel has submitted that since there are specific and categoric allegations levelled against the petitioner, who is specifically named in the FIR and the allegations virtually stand substantiated when co-accused was caught red-handed while accepting bribe, no case for grant of bail is made out, particularly when even the audio-recording shows that the petitioner had demanded bribe.
6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner is specifically named in the FIR and that there are specific allegations against the petitioner as well as co-accused

Lakhvir Singh to the effect that they had demanded bribe from the complainant. When a raid was conducted, co-accused Lakhvir Singh was caught red-handed while accepting bribe from the complainant. It is quite normal that both the accused would have been sitting separately in their offices and the complainant would have handed over bribe to the one who met him in the office. In any case, the transcript of the audio-recording, which has been furnished by the learned State counsel clearly shows that the petitioner had also conversed with the complainant pertaining to demand of bribe. Though, the petitioner has not specifically stated the amount of bribe in so many words in the said conversation but a perusal of the entire conversation clearly shows that the tone and tenor of the said conversation pertains to demand of bribe by the petitioner. It is no doubt correct that the said conversation would require to be proved at the time of trial in accordance with the rules of evidence but there is nothing at this stage to discard the same, particularly when the allegations stand clearly established from the factum of acceptance of bribe by the co-accused, who was fully in connivance with the petitioner.

8. The petition, as such, is found to be sans merit and is hereby dismissed.

25.1.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No