

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

CRM-M-13001-2023 (O&M)
Date of Decision:-3.5.2023

Gurnam Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal R. Lamba, Advocate and
Mr. Minnat Singh, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Inspector Gagandeep Kaur.

Ms. Sunaina, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
9	21.2.2023	Vigilance Bureau, Phase-1, District SAS Nagar, Mohali	7 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption Amendment Act, 2018.

GURVINDER SINGH GILL, J. (Oral)

CRM-19864-2023

In view of the reasons mentioned in the application, the same is
allowed and the documents annexed with the application are taken on record
as Annexures A-1 to A-3 subject to all just exceptions.

CRM-M-13001-2023 (Main Case)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of Jagjit Singh, wherein it is alleged that he had entered into an agreement with Ranveer Kaur so as to purchase 2 bighas of land out of 9 bighas situated in Village Krala and in respect of which he had taken appointment online so as to get the sale deed registered in the office of Sub Tehsil, Banur. On the date of appointment i.e. on 3.2.2023, when he approached Gurnam Singh, Registry Clerk (petitioner), he informed the complainant that since some khasra numbers were not correct in the '*Jamabandi*', therefore, the sale deed could not be got executed till the same are got corrected. It is further alleged that Gurnam Singh, Registry Clerk accordingly kept on lingering the matter and on 9.2.2023 demanded an amount of Rs.30,000/- as bribe for the purpose of getting the sale deed registered. Upon negotiations the matter was settled at Rs.15,000/-. The complainant further alleged that he had recorded the entire conversation pertaining to the aforesaid demand.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that apart from the alleged telephonic conversation, there is no evidence worth credence regarding the alleged demand of bribe. It has further been submitted that even the transcript of the alleged conversation between the petitioner and the complainant does not clearly disclose demand of bribe for the purpose of getting the sale deed executed. Learned counsel submits that the Trial Court, while declining the grant of anticipatory bail to the petitioner, had mainly been swayed by the

contentions made before it to the effect that several other complaints have been filed against the petitioner, whereas no such complaint is pending and that whatever complaints had earlier been made were duly inquired into and no substance was found in the same.

4. Learned State counsel assisted by learned counsel for the complainant on the other hand has submitted that since the audio conversation as recorded by the complainant clearly shows that there is some conversation between the petitioner and the complainant pertaining to some amount, the complicity of the petitioner is clearly evident.
5. A perusal of the said telephonic conversation shows that as a matter of fact there are 4 persons participating in the said conversation. Though there is some reference to negotiation of some amount but it cannot be discerned from the said conversation that the petitioner had demanded any amount or that any such demand had been made for the purpose of registering the sale deed. In the absence of any corroborative evidence, it cannot be said that the allegations as levelled in the FIR are *prima facie* substantiated.
6. As far as the observations of the Trial Court regarding there being several other complaints against the petitioner is concerned, the learned State counsel upon instructions from Inspector Gagandeep Kaur, has informed that initially one complaint had been filed by one Rakesh Kumar, which was inquired into and was filed. Pursuant to order passed by this Court on the last date of hearing, learned State counsel has informed that another demand notice by one Lawyer accompanied by photocopies of some complaints filed by Seema Rani had been submitted in the office of Deputy Commissioner on 27.3.2023 and that the said demand notice as well as the complaints by Seema Rani

have also been examined but upon finding no substance, the same have been filed. It has further been informed that though in the demand notice there is reference to one Anil Kumar, but the said Anil Kumar is none else but son of Seema Rani.

7. In view of the aforesaid discussion, this Court finds that it is not a case justifying custodial interrogation. The instant petition, as such, is allowed and it is ordered that the petitioner, in the event of arrest, be released on 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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is further directed that the petitioner shall cooperate with the investigation in every manner and shall furnish voice samples as and when directed.
9. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case and have been made solely for the purpose of deciding the present case.

3.5.2023

pankaj

(Gurvinder Singh Gill)
Judge

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