

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

CRM-M-22503-2023 (O&M)
Date of Decision:- 17.05.2023

Sukhjinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Darshan Singh Malwai, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Amarjit Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
12	04.03.2023	Bahadur, District Barnala	386, 506, 120-B IPC and Section 7 of Prevention of Corruption Act, 1988 (as amended vide amendment Act 2018)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Chamkaur Singh and Love Kumar for initiating action against Sukhjinder Singh, SHO P.S. Bhadaur, ASI Manjit Singh and HC Hardev Singh. Complainant Love

Kumar levelled allegations that ASI Manjit Singh used to visit his shop and used to threaten that his business of scrap dealing is illegal as he is not possessing any license for the same. That on 14.12.2022, ASI Manjit Singh came to his shop and asked to show the license, but when complainant told that he has no knowledge about any license to run the said business of scrap, ASI Manjit Singh threatened to register FIR against him and also took away Rs.2000/-. Further, on 30.12.2022, ASI Manjit Singh alongwith SHO Sukhjinder Singh Sandhu (petitioner) and one more police official came to his shop and started abusing him on the pretext that he is not having any license to run the business of scrap and also summoned him to the police station. He is having CCTV footage of the said incident. That on the same day at about 6.00 pm, he went to the police station, where HC Hardev Singh told him that if he has to run his business, he has to pay for the same. That thereafter about 9.07 pm, he received WhatsApp call on his mobile phone whereby demand of illegal gratification of Rs.20,000/- was made from him being the expenses of the police. Thereafter ASI Manjit Singh, SHO Sukhjinder Singh and HC Hardev Singh kept on continuously harassing him to pay Rs.20,000/- failing which his business will be shutdown or false case shall be got registered against him. Similar allegations have been levelled by complainant Chamkaur Singh in his separate complaint that ASI Manjit Singh took Rs.30,000/- from him and further threatened that in case further amount is not given, then false case shall be got registered against him.

3. Reply by way of affidavit of Mr. Ravinder Singh, Deputy Superintendent of Police, Tapa, District Barnala has been filed. The same is taken on record. A copy of the same has been furnished to learned counsel opposite.
4. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that the only evidence on which the prosecution relies upon is in the shape of audio conversation which cannot be said to be incriminating. It has further been submitted that although some CCTV footage has also been collected from the cameras installed near the shop of the complainant, but even if same is taken to be correct, the same would only show the presence of the police officials and that mere presence would not establish the allegations levelled against the petitioner.
5. Opposing the petition, learned State counsel submits that the case of the complainant stands corroborated from the CCTV footage and also from the audio conversation and as such, no case for grant of anticipatory bail is made out.
6. This Court has considered the rival submissions and has also perused the reply filed today on behalf of respondent-State.
7. A perusal of the transcript of the audio conversation between the complainant and SI Sukhjinder Singh which is annexed with the reply would show that SI Sukhjinder Singh is stated to be advising the complainant to register his business pertaining to sale-purchase of vehicles and that he would check the chassis number of the vehicles and seek a report from him. Bearing the said part of the conversation

in mind, the alleged incriminating portion wherein SI Sukhjinder Singh is shown to have stated that in case the complainant cooperates then he will be able to continue his work would rather lose its significance. The CCTV footage cannot be said to be of much avail to the case of the prosecution. In these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioner 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 Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

8. It is however, clarified that none of the observations recorded above shall be taken to be an expression as regards merits of the case.

17.05.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

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