

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23591-2023 (O&M)
Date of Decision:- 29.5.2023

Amanpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, and Ms. Tejaswini, Advocates,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Satnam

FIR NO.	DATE	POLICE STATION	OFFENCES
9	19.4.2023	Vigilance Bureau, Ludhiana, District Ludhiana	Sections 7, 7-A of the Prevention of Corruption Act, 1988 and Section 120-B IPC

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of the complainant Sarbjeet Bhatia wherein he stated that he is having a furniture shop opposite the FCI Godown, Kohara Road, Sahnewal where he had developed a colony approved by the Government of Punjab. Since the complainant was in need of ‘CLU’ (Change of Land Use) and a ‘Non-Encumbrance Certificate’ in respect of the said colony, he approached Amanpreet Singh, Patwari on 29.3.2023 and handed over an application to him which had been marked to

him by Naib Tehsildar Sahnewal. Amanpreet Singh, upon receiving the said application told the complainant to get in touch with his representative (Karinda) Inderjeet. On 12.4.2023, the complainant visited the office of Patwari at Village Tibba where he met Inderjeet who told the complainant that the requisite report shall be made after inspecting the spot. Inderjeet visited the site along with the complainant and told the complainant that since a petrol pump was situated within 500 yards of the colony, the “CLU” and “Non-Encumbrance Certificate” could not be issued but in case the complainant wanted to get his work done, he would have to shell out an amount of Rs.20,000/-. The said deal was finalized at Rs.12,000/-. The complainant gave an amount of Rs.5,000/- at the spot to Inderjeet and it was agreed that the remaining amount of Rs.7,000/- would be paid on 17.4.2023. On 13.4.2023, Inderjeet handed over the report of Patwari Amanpreet Singh to the complainant which the complainant submitted in the office of Tehsildar and Non-Encumbrance Certificate was issued to him. The nephew of the complainant who was accompanying him at the spot on 13.4.2023 had recorded the conversation which had taken place between the complainant and Inderjeet. On 18.4.2023, the complainant received a telephone call from Inderjeet asking for balance payment. However, since the complainant did not wish to pay the bribe, he reported the matter to the Vigilance Bureau. A trap was laid and Inderjeet was caught red handed while accepting illegal gratification of Rs.7,000/- from the complainant.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is not even an iota of evidence to show that the petitioner had ever raised any demand or had accepted any amount from the complainant or had ever spoken to the

complainant over telephone. It has been submitted that in case Inderjeet had been caught while accepting bribe in the name of the petitioner, it could be a case that Inderjeet by misusing the name of the petitioner had cheated the complainant. It has been submitted that since it is co-accused Inderjeet, who is a retired revenue official, who had been caught red-handed while accepting the bribe of Rs. 7,000/- and the petitioner was nowhere found near the place of occurrence, he cannot be held responsible in any manner for the misdeeds, if any, of said Inderjeet.

4. Opposing the petition, the learned State counsel has submitted that there are specific allegations against the petitioner in the FIR to the effect that petitioner had told the complainant to contact Inderjeet and since Inderjeet was caught red-handed, the complicity of the petitioner is clearly evident. It has further been submitted that the co-accused Inderjeet, in his disclosure statement, has categorically stated that he had been working for the petitioner since the last about 7 months and that it was at his instance and on his behalf that the amount of Rs. 7,000/- had been paid to him by the complainant. The learned State counsel has further submitted that even in the transcript of the telephonic conversation annexed with the reply, there is a clear mention that an amount is to be given to Patwari.
5. This Court has considered rival submissions addressed before this Court.
6. A perusal of the FIR would indicate that the only reference therein with respect to the petitioner is that when the complainant met the petitioner in his office for issuance of “CLU” and “Non-Encumbrance Certificate”, the petitioner had directed the complainant to meet his representative Inderjeet. Petitioner is not alleged to have made any demand from the complainant on

the said day i.e. on 29.3.2023. Thereafter, when the complainant met co-accused Amanpreet Singh on 12.4.2023, the petitioner was not present and it is the co-accused who made a demand for Rs.20,000/- from the complainant which was settled at Rs. 12,000/- and thereafter an amount of Rs.5,000/- was given by the complainant to Inderjeet. Again, subsequently on the day of trap i.e. on 19.4.2023, it is only co-accused Inderjeet who was present and petitioner was nowhere near the place where the illegal gratification was allegedly given to co-accused. A perusal of the transcript of telephonic conversation annexed with the reply filed by the State would also show that the said conversation is not between the petitioner and the complainant but is between co-accused Inderjeet and the complainant and there is a vague reference at one place that some amount is to be paid to Patwari. Such like conversation between two other persons cannot be said to be incriminating qua the petitioner.

7. Though, there is a disclosure statement of co-accused wherein he has categorically stated that he had accepted the amount at the instance and on behalf of the petitioner but the said disclosure statement shorn off any other corroborative evidence against the petitioner would hardly carry any evidentiary value. In view of the aforesaid discussion, this Court is of the opinion that it is a fit case for grant of anticipatory bail.
8. The petition, as such, is accepted and it is ordered that the petitioner, in the event of his arrest, shall 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 also abide by the conditions as provided under Section 438 (2) Cr.P.C.

9. It is, however, directed that the petitioner shall fully cooperate with the investigation and shall not tamper with any evidence.
10. It is further made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

29.5.2023

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(Gurvinder Singh Gill)
Judge

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