

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

CRM-M-48164-2021 (O&M)

Date of Decision:- 29.3.2023

Insp. Rajinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Rai, Senior Advocate with
Mr. Anurag Arora and Mr. Puneet Bali, Advocates,
for the petitioner.

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

GURVINDER SINGH GILL, J.

1. Inspector Rajinder Kumar seeks grant of anticipatory bail in a case registered vide FIR No. 184 dated 14.10.2021 under Sections 29, 59 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 7, 13(2) of the Prevention of Corruption Act, 1988 and Sections 213, 214, 384/120-B IPC at Police Station Special Task Force, STF Wing, Phase-IV, District SAS Nagar (Mohali).
2. The case of the prosecution, in nutshell, is that on 14.10.2021, a secret informer furnished information to Davinder Singh, Superintendent of Police, Special Task Force, Bathinda that on 7.10.2021, a police party headed by ASI Jarnail Singh of Special Staff Bathinda had conducted a raid at Room No. 203, Embassy Hotel, Bathinda and had apprehended Jora Singh and

Pardeep Kumar, drug traffickers, alongwith 100 grams of '*heroin*' and were later taken to the office of Special Staff, Police Station Thermal, Bathinda and presented before Inspector Rajinder Kumar (petitioner), Incharge Special Staff, Bathinda. The secret informer further disclosed that petitioner demanded a bribe of Rs. 3 lacs from the said two persons so as to let them off without registering FIR. Jora Singh called Varinder Kumar who settled the deal with the petitioner and ASI Jarnail Singh for Rs. 3 lacs. Jora Singh arranged for an amount of Rs. 50,000/- and handed over the same to petitioner in addition to his silver chain, bracelet and ring. Pardeep Kumar arranged for an amount of Rs. 40,000/- and handed over the same to ASI Jarnail Singh and it was agreed that the remaining payment would be paid later. Accordingly, Varinder Kumar took along Jora Singh and Pardeep Kumar with him. Upon receipt of said information, Davinder Singh, Superintendent of Police, Special Task Force, Bathinda conveyed the same through e-mail to the office of Special Task Force, Phase IV, Mohali for registration of FIR and consequently the present FIR i.e. FIR No. 184 dated 14.10.2021 was lodged.

3. The matter was investigated by the police, during the course of which statements of Manager and Receptionist of Hotel Embassy were recorded. The CCTV footages in respect of the cameras installed at the hotel and the surrounding areas and also at the police Station were checked. The call detail record pertaining to the accused and other persons involved was also examined.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that the petitioner had let off any accused by

accepting bribe. The learned counsel has further submitted that as a matter of fact there is some professional jealousy between Davinder Singh S.P. and the petitioner on account of which he has been falsely implicated. It has further been submitted that the scientific evidence collected by the investigating agency in the shape of call detail record pertaining to phone number of the petitioner and others rules out the involvement of the petitioner inasmuch as he was present at his home when the aforesaid Jora Singh and Pardeep Kumar are stated to have been brought to the Police Station.

5. Opposing the petition, the learned State counsel submitted that the factum of two persons namely Jora Singh and Pardeep Kumar, having been apprehended at Hotel Embassy from Room No. 203 on 7.10.2021 stands duly established and so does the fact that they had been brought to the police Station where Varinder Singh had come on the asking of Jora Singh and had got released Jora Singh and Pardeep Kumar. It has been submitted that the CCTV footage collected from the Police Station fully establishes the allegations. It has been submitted that a door on the rear side of the Police Station had been used by the accused to have ingress and egress in a clandestine manner whereas having a rear door is infact in violation of the rules inasmuch as no CCTV cameras are installed there. It has also been submitted that the petitioner has a chequered record and has been proceeded against departmentally several times and has also been punished and issued warnings repeatedly.
6. This Court has considered rival submissions addressed before this Court and has also pursued the record.

7. Some of the facts which have surfaced during investigation and pursuant to inquiry by SIT and which point towards the complicity of the petitioner, are stated herein-under:-

- (i) Statements of Manager of Embassy Hotel and of Receptionist of the Hotel from where Jora Singh and Pardeep Kumar were apprehended while in possession of 100 grams of *heroin* were recorded. The record regarding the entries made in the register of guests was also taken into possession and from entry No. 4102 dated 5.10.2021, it surfaced that room No. 203 was booked in the name of Jora Singh and also bore his signatures.
- (ii) Though, no CCTV cameras were found to be installed in the hotel but there were some CCTV cameras installed in the surrounding areas and upon collecting CCTV footage from the same, it came to light that the police personnel had taken the aforesaid persons Jora Singh and Pardeep Kumar in their car from the back side of the hotel through a street.
- (iii) Statement of Varinder Singh, who is a friend of Jora Singh was also recorded, who disclosed that on 7.10.2021, he had received a call on his mobile phone No. 99880-83465 from mobile No. 90568-93240 belonging to his friend Jora Singh and who told him that he was in the Police Station in connection with recovery of *heroin* and asked him to come to the Police Station and accordingly he (Varinder Singh) went to the Police Station where he met Jora Singh and Pardeep Kumar. He further stated that Jora Singh handed over his ATM Card to him and also disclosed the PIN number and told him to withdraw an amount of

Rs. 50,000/- from his bank account using his ATM. He further stated that he could, however, withdraw an amount of Rs. 10,000/- only with the help of ATM and arranged for another Rs. 30,000/- from his friend Kewal Singh through *GooglePay* and he had transferred an amount of Rs. 30,000/- in the account of Gurdarshan Singh through *GooglePay* and thereafter Gurdarshan Singh handed over his ATM Card to Varinder Singh for withdrawing the same and that he (Varinder Singh) was able to withdraw Rs. 20,000/- from the account of Gurdarshan Singh with the help of his ATM. Gurdarshan Singh transferred the remaining amount of Rs. 10,000/- in the account of one Ajmad Ali by way of *GooglePay* and Ajmad Ali withdrew said amount of Rs. 10,000/- with the help of his ATM and handed over the same to Varinder Singh. Kewal Singh gave another amount of Rs. 10,000/- to Varinder Singh and with the said amount of Rs. 50,000/- he went back to the Police Station and handed over the said amount of Rs. 50,000/- to Jora Singh who was standing outside the Police Station. Varinder Singh further stated that Jora Singh after taking the amount entered the Police Station from a small gate on another side of the police Station which is not covered under the CCTV. He further stated that thereafter he returned back and later Jora Singh and Pardeep Kumar arrived with one more person on a motorcycle.

- (iv) Though, the aforesaid Varinder Singh seems to have later resiled from the statement but the police collected the record pertaining to the aforesaid series of bank transactions which fully corroborates his statement.

- (v) The police collected the call detail record between Varinder Singh, Gurdarshan Singh and Ajmad Ali which also lends corroboration to the version put forth by Varinder Singh.
- (vi) Upon examining the CCTV footage in respect of the cameras installed at the main gate of the police station, it was found that the clock of the CCTV footage was not adjusted properly and was showing the time to be 25 minutes behind the actual time. The happenings recorded in the CCTV on 7.10.2021 is stated herein-under:-

Time	Event
6:03 p.m. (actual time 6:28 p.m.)	Inspector Rajinder Kumar comes out of the Police Station
6:04 p.m. (actual time 6:29 p.m.)	ASI Jarnail Singh came out of the main gate
7:14 p.m. (actual time 7:39 p.m.)	Constable Bikramjeet Singh and Constable Balwinder Singh enter the Police Station in civil dress
7:15 p.m. (actual time 7:40 p.m.)	Aforesaid Constable Bikramjeet Singh and Constable <u>Balwinder Singh seen coming out</u> from the Police Station in civil dress
7:16 p.m. (actual time 7:41 p.m.)	ASI Jarnail Singh alongwith ASI Harbhajan Singh enter the Police Station. ASI Jarnail Singh is seen carrying a white coloured polythene bag in his hand.
7:21 p.m. (actual time 7:46 p.m.)	<u>Head Constable Balwinder Singh again seen coming out of the police Station.</u>

8. The fact that between 7:40 p.m. and 7:46 p.m. Balwinder Singh is seen coming out of the police station twice without having entered again during this period shows that there is another entry gate to the police station. It may here also be mentioned that when SIT was constituted pursuant to orders issued by this Court, the said SIT checked the said rear gate which was found to be recently closed with bricks.
9. The photographs (Annexure R-1, R-2 and R-3) annexed with the reply dated 20.12.2021 printed from the CCTV footage also clearly show the presence

of ASI Jarnail Singh, Varinder Singh, Sarabjit Singh and also the small door. The call detail record collected by the investigating agency also in tune with the case of the prosecution though the petitioner has not disclosed the other phone numbers maintained by him. The aforesaid facts clearly substantiates the case of the prosecution qua the apprehension of Jora Singh and Pardeep Kumar by the police on 7.10.2021 from Hotel Embassy. The evidence collected also reflects that Varinder Singh had come to the police Station to meet him and thereafter he had collected the amount of Rs. 50,000/- from various of his friends by way of ATM transactions, the record in respect of which has been duly collected by the police. The CCTV footage proves that there is one more door in the police station which is used by them.

10. Apart from the aforesaid evidence, the petitioner has a chequered record, as has been mentioned in the affidavit dated 4.1.2022, having remained under suspension/awarded numerous punishments for negligence/warning in addition to other inquiries pending against him, the details of which are mentioned herein-under:

Sr. No.	Date	Event
1.	06.10.1995	Awarded punishment for negligence
2.	18.08.2001	One year service forfeited permanently
3.	06.04.2002	Suspended for breach of discipline of police department
4.	21.02.2003	Two years service forfeited permanently
5.	21.02.2003	One year service forfeited permanently
6.	21.02.2003	One year service forfeited permanently
7.	07.04.2003	Awarded punishment for negligence
8.	04.09.2003	Issued warning
9.	14.11.2003	Issued Warning
10.	25.12.2004	Awarded punishment for negligence

11.

20.09.2005

Four years service forfeited permanently

12.

18.01.2007

Suspended due to negligence of duty.

13.

28.08.2009

Issued Warning

14.

18.03.2011

Issued Warning

15.

07.10.2011

Suspended on account of registration of FIR No. 200 dated 6.10.2011 P.S. Kotwali, Bathinda. However, he stands acquitted in the said case on the basis of compromise.

16.

19.07.2021

Departmental enquiry initiated/pending for dereliction in duty.

17.

08.12.2021

Suspended on account of registration of instant FIR i.e. FIR No. 184 dated 14.10.2011 P.S. Special Task Force, SAS Nagar Mohali. Department inquiry is initiated.

18.

15.12.2021

Departmental enquiry initiated/pending for continuous absence from duty.

19.

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Complaint made by Inderpal Singh under Section 427/452/457/506/148/149 IPC read with Section 3&4 of the SC&ST Act is pending before the Court of Additional Sessions Judge, Mansa.

20.

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In addition to above, 13 other departmental inquiries had been consigned to record room vide orders dated 9.2.2002, 30.8.2004, 2.2.2007, 26.8.2009, 15.12.2009, 13.5.2011 (three orders), 6.3.2012, 8.6.2012, 20.5.2020 and 25.5.2020.
11.

In view of the aforesaid discussion, this Court finds that it is a case where custodial interrogation would be required. No special case for grant of anticipatory bail is made.
12.

The petition is sans merit and is hereby dismissed.

29.3.2023

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Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No
Yes / No