

CRM-M-47470-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47470-2022
Reserved on: 16.10.2023
Pronounced on: 20.10.2023

Inderjeet Singh @ Inderjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. T.P.S. Makkar, Advocate for the petitioner.
Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0021	21.09.2022	Vigilance Bureau, Ferozepur, District Ferozepur	7 of Prevention of Corruption Act (Amendment) Act 2018

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. Vide order dated 20.12.2022, Coordinate Bench of this Court had granted interim bail to the petitioner and vide an another order dated 31.08.2023, this Court had extended the interim by imposing condition of declaring assets to which petitioner through his counsel stated that they would have no objection to such conditions. After that it has been explained that the said order has been voluntarily complied with.
4. Case of the prosecution is being taken from reply dated 22.11.2022 filed by the concerned Deputy Superintendent of Police. Facts of the case are that on 21.09.2022, the complainant informed that he was working as a liquor contractor and he was allotted area by the Excise department. Subsequently, his allotment area was changed and he has to carry forward and shift the unsold stock of liquor of Guruharsahai area to Faridkot. But due to some reason they could not shift the said stock within time. On 12.07.2022 Nirmal Singh Excise Inspector met the complainant and directed them to meet him at saw mill of Roshan Lal. When the complainant went to meet Nirmal Singh

CRM-M-47470-2022

and moved towards the saw mill, an another person also started following them. The said person who was with Nirmal Singh introduced him as Inderjit Singh, who was posted as gunman of SHO Police Station Guruharsahai. The petitioner then informed that they have received secret information that complainant is keeping illegal liquor in his godown at Chandigarh, therefore legal action can be initiated against him. On this, the complainant clarified that the said liquor is unsold because of change of contract. However the petitioner-Inderjeet Singh directed the complainant to pay Rs.5 lacs as bribe. Faced with no alternate, the complainant paid a sum of Rs. 2 lacs in the presence of Sunil Kumar and Roshan Lal and with the consent of Excise Inspector-Nirmal Singh. On receiving bribe, Inderjeet Singh assured the complainant that now action will not be taken against him however on the same day i.e. 12.07.2022 at 4pm, SHO of concerned Police Station along with his team, other employees of Excise Department raided the godown of the petitioner and recovered 322 boxes of liquor and FIR was registered for violation of Excise Act. After this, the complainant wanted his money back from the petitioner and on that the petitioner told telephonically that share of the money has been distributed and even upto SSP level and dis-connected the phone. Statement of the complainant was recorded under 164 CrPC in which he reiterated his stand. Para 5 & 6 of the reply are relevant, which reads as under:-

“5. That case property of the instant case i.e. Rs.2 lakhs (amount of bribe) is still to be recovered from possession of petitioner, so custodial interrogation of petitioner is required in the present case.

6. That it is also submitted that as per statement of complainant he had paid the amount of illegal gratification to the petitioner under forcible circumstances and under pressure, so on offence against the complainant is made out in the present case.”

5. Petitioner’s stand is that the complainant informed the police on 21.09.2022, whereas the bribe was paid on 12.07.2022, as such he has not come clean because Section 8 of PC Act gives a period of seven days to the bribe giver to inform about the incident. This contention is meaningless for the reason that if the complainant has approached the police late by informing about payment of bribe, the constitute has prescribed provisions in this regard directly or indirectly and as such, on this ground, petitioner cannot claim bail.

5(a) The petitioner’s counsel further argued that SHO had no role in the raid to premises and as such the case is of falsely implication. The point about the jurisdiction of SHO is also baseless. It is case of *thuggee/cheating* and PSO/SHO who are connecting as a conduit of the higher officers, is subject matter of custodial interrogation and on the

CRM-M-47470-2022

fact of it, it cannot be believed that any PSO can come and take a sum of Rs. 2 lacs from somebody who was dealing in liquor, keeping in view the point that people who sell liquor are well connected even with police. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

6. The state's counsel opposes the bail on the ground that there is audio conversation which they need to investigate further and they are seeking custodial interrogation to un-earth the nexus of the petitioner and higher officers. More particularly this Court cannot ignore the statement of complainant that the petitioner had proclaimed to him that money cannot be refunded because the share has gone upto SSP level. Custodial interrogation of the petitioner is required to un-earth all the beneficiaries.

7. Although this Court has no jurisdiction to take a different view that reason given by the Coordinate Bench and further this Court fully concurs with the reason given with the above stated reason, but the concerned Court at that time was only dealing with interim anticipatory bail. Custodial interrogation is required not only to recover the sum of Rs.2 lacs but also to find out the nexus of higher officers. As such the relief which was given vide order dated 20.12.2022, cannot be extended any further. Although it is a case of thuggee and FIR was registered for violation of Section 7 of PC Act which deals with bribe. In addition to the evidence recorded for payment of bribe, investigation is also required to probe that whether ingredients of 420 IPC are also made out or not because of role of cheating or thuggee by the petitioner.

In the entirety of facts and circumstances, the petition is dismissed and interim orders are recalled. All pending applications, if any, also stand disposed.

(ANOOP CHITKARA)
JUDGE

20.10.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.