

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

CRM-M-52408-2022 (O&M)
Date of Decision:- 19.1.2023

Harmanjeet 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, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by SI Ranjit Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No. 29, dated 21.10.2022, Police Station Vigilance Bureau, Patiala, District Patiala, Punjab, under Section 7 of Prevention of Corruption Act, 1988.
2. Status report by way of affidavit of Mr. Hans Raj, Deputy Superintendent of Police, Vigilance Bureau, Patiala Range, Patiala has been filed by learned State counsel. The same is taken on record. A copy of status report is supplied to learned counsel appearing on behalf of the petitioner.
3. The FIR was lodged at the instance of Pappu Singh wherein it is alleged that on 23.9.2022, when he had gone to fetch milk in the

morning and when he returned back, then his uncle Chhinda Singh told him that in the absence of the complainant, 4 policemen had come to the house and had taken away complainant's wife while leaving a mobile number 94786-95955 and that the said police officials had also disclosed that Happy Singh, who was residing in the village of in-laws of the complainant had been arrested while in possession of intoxicant tablets and that during the course of his interrogation, he had named the complainant and his wife, to be his associates and that Happy Singh had procured the said tablets from the complainant. The complainant alleged that upon making inquiries, he came to know that the mobile phone belonged to Head Munshi, Kalajhar, District Sangrur. When the complainant called on the aforesaid phone number, the phone was disconnected and later the complainant received a call through WhatsApp from the said number and the caller informed that complainant's wife is to be produced in the Court. When the complainant pleaded with him and said that he will make arrangement for money by the evening, but the caller pressurised him to make the payment. The complainant told him that Harjit Singh Panch, had asked the complainant to give him an amount of Rs.1.5 lakhs, but he was unable to pay the said amount and could make an arrangement for an amount of only Rs.80,000/-. It is stated that the complainant agreed to settle for an amount of Rs.1,00,000/- and told him that he would come with the said amount along with Harjit Singh Panch. The complainant did not wish to pay the said amount and had made an audio recording of the conversation

with Head Munshi Harman Singh and accordingly informed the police.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that neither any trap was laid nor any amount was ever recovered from the petitioner and that the petitioner is sought to be implicated solely on the basis of an alleged audio recording which is yet to be authenticated.
5. Opposing the petition, the learned State counsel has submitted that since there are specific and categoric allegations levelled against the petitioner and there is audio recording as well to support the allegations, no case for grant of anticipatory bail is made out.
6. This Court has considered the rival submissions.
7. It is no doubt correct that no trap was laid to catch the accused red-handed and it is on the basis of the allegations levelled in the FIR and also the audio recording, on the basis of which the petitioner has been booked for offence under Section 7 of Prevention of Corruption Act, 1988. It goes without saying that at the stage of trial, the audio recording, in digital form, would be required to be proved in accordance with the provisions of Section 65-A of Evidence Act. A perusal of transcript of the said audio recording of conversation between the petitioner and the accused from their respective mobile numbers i.e. 62392-96771 (petitioner) and 94786-95955 (accused), shows that the petitioner had made specific and categoric demand of bribe for giving a clean-chit to the complainant as well as to his wife in an NDPS case. The petitioner being a member of disciplined force

and guardian of law is expected to conduct himself above board and not to indulge in such like acts of illegal gratification. At this stage, the statement of complainant coupled with audio recording of conversation with accused is *prima-facie* sufficient to proceed against accused. The matter needs to be thoroughly investigated which would require his custodial interrogation.

8. The petition sans merit and is hereby dismissed.

19.1.2023
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(GURVINDER SINGH GILL)
JUDGE

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