

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

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CRM-M-54999-2022 (O&M)

Date of decision: 08.05.2023

Balwinder Singh @ Guddu

....Petitioner

Versus

State of Punjab and Others

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Saini, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 of Cr.P.C. for directing respondent No.2 to take legal action against respondent No.3 under appropriate law for demanding bribes for approval of mutation.
2. Learned counsel submits that the petitioner has made a number of representations, however, the allegation levelled by him have not been properly considered while deciding the representation dated 07.10.2022, Annexure P-1.
3. Learned State counsel on the other hand while relying on the status report filed by way of an affidavit of Barinder Singh Gill, PPS, Deputy Superintendent of Police, Vigilance Bureau, Flying Squad-1, Punjab, submits that FIR No.7 dated 03.06.2021 under Sections 419, 420, 384 IPC was registered against the petitioner and his son with the allegation that he was blackmailing

respondent No.3 by introducing himself as Inspector of Vigilance Bureau. His son was apprehended at the spot with Rs.50,000/- during a trap that was laid out and it was only after the registration of the aforesaid FIR, the petitioner submitted the aforesaid representation to create a defence. It was apparent from the recording in the mobile phone that he was directing his son to receive the extortion amount from respondent No.3 and they were continuously talking with each other during the whole process. Prays for dismissal of the petition.

4. Heard.

5. It is apposite to refer to the relevant paras of the status report filed by the State which reads thus:

“3. That with regard to this incident, it is brought to the kind notice of this Hon'ble Court that the Petitioner went to the Respondent No. 3 for getting the mutation sanctioned with regard to a plot belonging to his brother Gurmeet Singh and gave Rs. 1000/- to Respondent No. 3 for the said purpose which was returned back by Respondent No. 3 to the Petitioner. The Petitioner made a video recording of the Respondent No. 3 for the same incident and started blackmailing the Respondent No. 3 by issuing threats by introducing himself as Inspector of Vigilance Department and threatened to get a case registered against the Respondent No. 3 and to take him on police remand and then demanded an extortion amount of Rs. 5 lakh in order to save the Respondent no. 3 from the said proceedings of Vigilance Department. The Respondent No. 3 also video recorded the Petitioner while demanding the extortion amount of Rs. 5 Lakh from him and thereafter the Respondent No. 3 made a complaint to the Vigilance Bureau Department, Punjab and then on 3/6/2021 a trap was installed by the Vigilance Bureau Team, where the Petitioner sent his son Gurdhian Singh to get the money from Respondent No. 3 and the Vigilance Team caught the son of the Petitioner namely Gurdhian Singh while taking an amount of Rs. 50,000/- from the Respondent No. 3. Thereafter, FIR No. 7 dated 3/6/2021 under Sections 419, 420, 384 IPC at Police Station Vigilance Bureau Flying Squad-1 at Mohali was registered against Gurdhian Singh in which Section 8 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 was added and during

investigation from the mobile phone of Gurdhian Singh it was found that the Petitioner also is very much involved in receiving the extortion amount from the Respondent No. 3 as they are in continuously talking with each other during this whole process of recovering the extortion amount and Gurdhian Singh is telling his father/ Petitioner that vehicles are standing outside the office of the Respondent no. 3 as usual and there is no one else in the office of Respondent no. 3 and is asking that whether he shall go inside the office of Respondent no. 3 to get money to which the Petitioner is telling his son Gurdhian Singh to not to go inside the office of Respondent no. 3. So, after hearing these recordings in the phone of Gurdhian Singh, it became clear that the Petitioner is also very much involved in receiving the extortion amount from Respondent no. 3. Accordingly, the DDR No. 14 dated 3/6/2021 was recorded in the Roznamcha as per which offence under section 120-B IPC was added in the above said and the Petitioner was nominated as an accused in the above said FIR and thereafter, the Petitioner approached this Hon'ble High Court for grant of Anticipatory Bail by way of filing CRM-M-19173 of 2021 which was dismissed by this Hon'ble Court vide order dated 24/5/2022.

xx xx xx xx

7. That moreover, in one of the recordings available with Respondent No.3/Dharam Pal the Petitioner Balwinder Singh is clearly telling the Respondent No. 3 that earlier he being the Inspector of Vigilance Bureau Department, had taken action against another Patwari and then the said Patwari was saved by him when Rs. 10 lakh was paid by the said Patwari to the Petitioner.

8. That the present petition filed by the Petitioner is clearly a misuse of process of law as the Petitioner who himself is an accused person in the above said case and he surrendered on 12/7/2022 and the above said forged bill in the name of Respondent No. 3 has also been recovered from the Petitioner and moreover, one nephew of the Petitioner namely Gagan son of Gurmeet Singh is also an accomplice in this whole incident who was also named as an accused in the above said FIR No. 7 dated 3/6/2021 under Sections 419, 420, 384 IPC at Police Station Vigilance Bureau Flying Squad-1 at Mohali.

9. xx xx xx xx

10. That it is brought to the kind notice of this Hon'ble Court that challan against Gurdhian Singh has also been presented in the court on 27/7/2022 and the case is pending trial before the Ld. Court of Shri Avtar Singh Varda, Additional Sessions Judge, Mohali and the challan against the Petitioner is yet to be presented and the nephew of the Petitioner namely Gagan son of Gurmeet Singh is yet to be arrested. Moreover, the

Petitioner with regard to this very incident OTAR has also made a complaint to the Vigilance Bureau vide complaint PSE SIGH No. 152336 and the enquiry of the same is being conducted by Shri INDI Pal Sharma, Deputy Superintendent of Police, Vigilance Bureau OF Unit, Patiala”

6. Apparently, the present petition is frivolous and filed by the petitioner only to create a defence. There are serious allegations levelled against him that are being enquired into, upon which the truth shall be unearthed. This Court finds no reason to interfere in the same. Therefore, no order is required to be passed in the matter.

7. In view of the above, the present petition being devoid of merits, is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

08.05.2023
S.Sharma(syr)

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