

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

CRM-M-57478-2022 (O&M)

Date of Decision:- 3.2.2023

Ranjiv Kumar @ Rajiv Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dheeraj Mahajan, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 220 dated 2.11.2022 under Sections 13(2) and 7 of the Prevention of Corruption Act at Police Station City Gurdaspur, District Gurdaspur.
2. The case of the prosecution is that a video had gone viral on social media wherein petitioner i.e. ASI Ranjiv Kumar @ Rajiv Kumar is seen accepting money from a lady in the Court complex, Gurdaspur.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that no sanctity can be attached to the alleged video stated to be viral on social media and that even if the same is accepted to be a genuine video-clip, still there is nothing on record to show that any demand had ever been made by the petitioner for

any kind of illegal gratification. It has further been submitted that the lady shown in the video had already furnished a sworn affidavit to the effect that no bribe had ever been demanded by the petitioner or had been paid to her by the petitioner and that as a matter of fact she was supposed to give an amount of Rs. 5,000/- to Advocate Pankaj Kalia for the bail application of her daughter Diksha and since said Advocate was not present, therefore, she had handed over the said amount to the petitioner, who was known to Pankaj Kalia so that the same may be passed on to Advocate, Pankaj Kalia.

4. Opposing the petition, the learned State counsel has submitted that it is a case where the video-clip shows the petitioner taking an amount of Rs.5,000/- from a lady, whose identity later came to be known as Shashi Bala and whose daughter Diksha stands involved in FIR No. 199 dated 27.10.2022 for offences under Sections 21 and 27 of the NDPS Act registered at Police Station Dina Nagar, District Gurdaspur and that it is clear that the petitioner, who is the Investigating Officer of the said case, had accepted the bribe from Shashi Bala and as such, the petitioner does not deserve the concession of anticipatory bail.
5. This Court has considered the rival submissions.
6. It is correct that, as of now, there is no direct evidence of any demand of illegal gratification by the petitioner but the circumstances in the present case, particularly the fact that the petitioner, while in uniform, had accepted an amount of Rs. 5,000/- from Shashi Bala, mother of an accused Diksha and that too in Court Complex would leave nothing to imagination. Though, it is correct that the authenticity of the video-recording is yet to be

established but the factum of the said incident is virtually admitted by the petitioner in Para 4 of the bail application, which reads as under :-

“That the story as projected in the FIR is far away from reality. Even the lady as seen in the video has already given her duly sworn affidavit specifically saying that no bribe was demanded from her or was paid by her to the petitioner. Rather it has been explained in the affidavit that she was to give Rs. 5000/- Advocate Pankaj Kalia for the purpose of bail application of her daughter Diksha in FIR No. 199 of 2022 dated 27.10.2022 under Sections 21A, 27A, 61/85 of the NDPS Act registered at Police Station Dinanagar. She accordingly at the asking of Pankaj Kalia, Advocate who was not present in Gurdaspur on that day, handed over Rs. 5000/- to the petitioner who was known to Pankaj Kalia, Advocate and assured to give remaining Rs.5000/- after the bail. It has been further stated in the FIR that someone wrongly prepared their video and after distorting the contents of the video made it viral on social video. Copy of the affidavit given by the Shashi Bala wife of Baldev Raj is annexed herewith as Annexure P-2.”

7. A perusal of the above reproduced Para 4 of the petition shows that the factum of payment of an amount of Rs. 5,000/- by the lady namely Shashi Bala to the petitioner is not disputed and rather an explanation has been put forth that the said amount was actually meant for Advocate Pankaj Kalia, who is representing daughter of Shashi Bala, who stands involved in a case under the NDPS Act and which is being investigated by none else but the petitioner. The identity of the petitioner and of Shashi Bala is very clear in the video and the lady is seen trailing the petitioner for the purpose of handing over the amount and who ultimately accepts the same.
8. In view of the aforestated facts and circumstances, this Court does not find any special case for grant of anticipatory bail.

9. The petition is sans merit and is hereby dismissed.

3.2.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No