

CRM-M-7380-2024
Decided on: 20.02.2024

Surinder Pal Bansal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
132	06.12.2023	Cannt. Ferozepur, District Ferozepur	7 & 7A of Prevention of Corruption Act 1988

1. The petitioner, who is DSP City, Ferozepur, having been arrested in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.

2. On 15.02.2024, after considering the factors, this Court granted interim bail and one of the reason of granting bail was that the petitioner had voluntarily agreed to declare his as well as assets of his wife, which was mentioned in para 14 of the bail order. On the said date, State was directed to file reply.

3. Today, reply dated 19.02.2024, has been handed over in the Court and the same is taken on record. Facts of the case have been taken from the said reply, which reads as under:-

“3. That brief facts of the case are that Randhir Singh, IPS, Superintendent of Police (Investigation), Ferozepur, had received secret information that petitioner is corrupt police official and he had misused his post while posting as DSP City, Ferozepur and he used to receive huge amount on account of bribe through his agent Gurmej Singh s/o Rafiq resident of Kothi Rai Sahib, Canal Colony, Ferozepur Cantt. One case bearing FIR No.60 dated 10.05.2022 u/s 420/465/467/468/471 IPC Police Station Cantt Ferozepur was registered against said Gurmej Singh, but petitioner has declared him innocent illegally without getting any evidence and in this way petitioner had misused his power. Similarly as per instigation of petitioner, said Gurmej Singh had obtained Rs.15000/- from one Tarjan Sharma s/o Kamal Kumar resident of Dolia Wala Mohalla Ferozepur City, on account of registration of case. One Audio clip was

also received by Superintendent of Police (Inv), Ferozepur, containing the recording of phone call between Gurmej Singh and Tarjan Sharma in which Gurmej Singh is admitting that he had received Rs.15000/- through google pay from Tarjan to get done his work from petitioner. Secret informer also informed that in the year of 2023 said Gurmej Singh got transferred Rs.5 lakhs in his account linked with mobile no.8284976384 and said mobile number is registered on the name of petitioner. Apart from this in the year of 2023 said Gurmej Singh had deposited Rs.3.5 lakhs in the account of Pardeep, as said amount was received in cash by him. Similarly in the year of 2023 an amount of Rs.3 lakhs has been transferred in the account of one Lalan, who is closed to petitioner. In case raid is conducted then from the house of petitioner objectionable articles/documents can be recovered. Apart from this petitioner is blackmailing his junior by misusing his power and he used to get/demand the amount from them for his personal use. In case investigation of accounts and mobiles of petitioner and Gurmej Singh is conducted then evidence regarding corruption committed by them can be came into light. On the basis of said information SP (Inv), Ferozepur sent the ruqa to the Police Station Ferozepur Cantt and get registered the present case.

4. That on the same day, the SP (Inv), Ferozepur has joined the petitioner in the investigation and taken into possession mobile phone make Oppo of black colour and another phone make CPH 273 of black and orange colour. During investigation of the case, search warrants related to the house properties of the petitioner were obtained from the Ld. Court and notice u/s 41(A) of Cr.P.C. was also issued to the petitioner, but the petitioner violated the conditions mentioned in the above notice, regarding which SP (Inv) informed the Hon'ble Court and with the orders of the Hon'ble Court arrested the petitioner on dated 11.12.2023.

5. That during investigation of the case, it is found that Gurmej Singh was confined in Central Jail Ferozepur, in connection with case bearing FIR No.60/2022 PS Ferozepur Cantt and after getting protection warrants from the Illaqa Magistrate, said Gurmej Singh was arrested in this case on 12.12.2023 who is now in judicial custody at Central Jail Ferozepur.

6. That during investigation of the case, account statements of account No.13691050041260 and 10011641563 both accounts of petitioner, account No.002351400001084 of account of Shivani Bansal daughter of petitioner with Yes Bank, account no.50100570782971 of Nitika Bansal daughter of petitioner, account no.40959699533 of Gurmej Singh, account no.1110109519337 of Parveen wife of Gurmej Singh, account no.00000030055595625 of Pardeep Kumar and the ac. no 0297000105484705 of Sarita Bansal wife of petitioner were obtained. Apart from this CDRs of the mobile phones of petitioner and Gurmej Singh were also obtained.

7. That during investigation of the case it is found that as per account statement of Gurmej Singh total amount of Rs.39,70,830/- was deposited in his account no.40959699533 during the period of 03.01.2023 to 15.11.2023 by different persons in-lieu-of getting their work done from the petitioner, out of which on the directions of the petitioner, his co-accused Gurmej Singh further transferred an amount of 5,74,000/- in the account of daughter of the petitioner namely Shivani Bansal, similarly an amount of 2,44,000/- was transferred to the account of petitioner's second daughter namely Nikhtia Bansal by Gurmej Singh via the Bank account of his neighbour Pardeep Kumar whereas an

amount of Rs.80,000/- was directly deposited in her account by Gurmej Singh co-accused. Similarly an amount of Rs.2,85,000/- was transferred to the account of Lalan Kumar, who was doing construction work in the newly under construction kothi of the petitioner in the area of Ludhiana.

8. That during investigation of the case petitioner disclosed that during his posting as DSP City, Ferozepur, on 28.08.2023 had received bribe of Rs 15,000/- from witness Tarzen Sharma in-lieu-of registering an FIR on the statement his sister Shivani Sharma against her in-laws regarding domestic violence in his office, similarly had received 1.55 lakhs online and 10,000/- in cash from Vipul Arora resident of Preet Nagar, Ferozepur City in-lieu-of registering an FIR against opposite party, Rs.75000/- from Shilpa Rani resident of Ghumiar Mandi Ferozepur in-lieu-of registering an FIR against her in-laws through said Gurmej Singh and Gurmej Singh further transferred the above money to the accounts of his known's. He further disclosed that above said received bribe money of 10,000/- cash from Vipul Arora is lying in his bed room under the mattress of his bed and he got recovered the same U/S 27 evidence Act 1872, the scene of recovery was video recorded and pendrive was made which is taken into possession as evidence. Apart of this the petitioner has received bribe money of rupees 90,000/- from Tejbeer Singh Deol online in-lieu-of providing police security to him about which 05 audio clips have been taken into possession by extracting data from the mobile phones of the petitioner with the help of DFLFR Lab, in which the petitioner is Clearly demanding and accepting the bribe money from the above said person Tejbeer Singh Deol, Apart from this co-accused Gurmej Singh on 23.10.2023 while sitting in the office of petitioner threatened the witness Rohit madan for legal action on the complaint pending against him and obtained bribe money of 25,000/- through scanner code in the name of Surinder Gill, petitioner demanded bribe money of 2,00,000/- from witness Gurmeet Kaur through Gurmej Singh in-lieu-of Cancelling an FIR 83/2023 U/S 326, 34 IPC PS Sadar Ferozepur registered against her and paid Rs 90,000/- to Gurmej Singh in the presence of petitioner, petitioner demanded bribe money of 10,000/- from his subordinate witness Ghana Ram posted at PS City Ferozepur in-lieu-of filing an departmental enquiry pending with him and witness Ghana Ram transferred Rs 5,000/- bribe money from his salary account to SBI ac. no 40959699533 of co accused Gurmej Singh.

9. That during investigation of the case it was found that on 31.01.2023 petitioner had received Rs.1025869/- through RTGS in his account with HDFC Bank and apart from this petitioner had received Rs.11,61,000/- in his bank account with State Bank of India. Petitioner failed to give satisfactory reply related to the said amount. As per account statement of account no.002351400001084 of Shivani Bansal daughter of petitioner her opening balance on 01.01.2022 was only Rs.1593/- whereas till 07.12.2023 total amount of Rs.28,93,771.23/- NP were credited in her said account and an amount of Rs.24,44,231.57 NP were debited from said account. As per said account statement an amount of Rs. 8,80,000/- were deposited in her said account in cash from favour bank branches of Ferozepur during the period of posting of the petitioner at Ferozepur. As per account statement of Sarita Bansal wife of petitioner an amount of Rs. 26,90,000/- were deposited during the period of 22.02.2023 to 01.11.2023, above mentioned transactions are under investigation.

10. That during investigation 10 witnesses namely Kanta Rani, Vipul Arora, ASI Gahna Ram, Pardeep Kumar, Sarbjeet Kaur, Shilpa Rani, Sher

Singh, Rohit Madan, Gurmeet Kaur and Insp Abinave Kumar related to bribe matters with the petitioner, got recorded there statements under section 164 CrPC with the Hon'ble Court of CJM Ferozepur apart from this 8 witnesses regarding bribe matters related to the petitioner have joined the investigation and recorded their statements U/S 161/CrPC.

11. That investigation of the present case was transferred to the Vigilance Department vide order no.5121-24/Inv-5 dated 15.12.2023 passed by Director Bureau of Investigation.

12. That during the investigation 03 pendrives having audio clips of conversations between the petitioner, co accused Gurmej Singh and the witnesses namely Tarzen Sharma, Tejbeer Singh Deol, Insp. Abhinav Chauhan and Anil Kumar Sharma regarding demanding and accepting bribe money, have been taken into the possession, out of which one pendrive have been produced by witness Tarzan Sharma in which co accused Gurmej Singh is clearly taking about earlier accepted bribe money of 15,000/- in the name of petitioner in-lieu-of getting an FIR registered against his sister's in-laws, second pendrive has been produced by witness Insp. Abhinav Chauhan in which the petitioner is clearly demanding money for his newly purchased pistol worth Rs 1,60,000/- and third pendrive has been prepared by the IO from the extracted data of mobile Phones in which total 11 audio clips are present out of which 5 audio clips are having conversations between the petitioner and witness Tajbeer Singh Deol in which the petitioner is clearly demanding and accepting the bribe money, rest 06 audio clips are having conversation between the petitioner and co accused Gurmej Singh in which the petitioner is clearly talking about different bribe matters from which whole scam of demanding and accepting bribe money from different persons in-lieu-of doing there pending work with the petitioner is exposed, to prove the above conversations, date for recording voice samples of petitioner, co accused and above witnesses has been fixed for 06.03.2024 with the Director FSL Mohali with the orders of the Hon'ble Court, whose examination report will be presented to the Hon'ble trial Court U/S 173 (8) CrPC.

13. That accused being in judicial custody initial Challan Report U/S 173 CrPC has been presented to the Hon'ble trial court within the prescribed period of 60 days on 08.02.2024, investigation is still going on.

14. That a case FIR No. 233/94 U/S 376,452,511,506 IPC was got registered against the petitioner but latter-on the petitioner was acquitted.

15. That there is sufficient documentary and electronic evidence on the file to prove that petitioner had received huge amount on account of bribe from various persons by misusing his power. Investigation qua petitioner and Gurmej Singh is still going on, after completing pending investigation, prosecution sanction will be obtained from the competent authority of the petitioner and supplementary Challan U/S 173(8) CrPC will presented before the Ld. trial Court after completion of formalities.

4. During the investigation, an amount of Rs.39,70,830/- was found deposited in his account as per account statement of Gurmej Singh during the period from 03.01.2023 to 15.11.2023 by different persons in lieu of getting their work done from the

petitioner, out of which on the direction of the petitioner, co-accused Gurmej Singh transferred a sum of Rs.5,74,000/- and Rs.2,44,000/- in the account of petitioner's daughters through the account of his neighbour Pardeep Kumar and Rs.80,000/- was paid directly in petitioner's daughter's account by Gurmej through his account. Another sum of Rs.2,85,000/- was also transferred to the account of Lalan Kumar, who was doing construction work in the kothi of the petitioner in the area of Ludhiana which was under construction.

5. Petitioner's counsel submits that they had voluntarily complied with the order of declaring assets and it is submitted that they shall not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India or any other fundamental right/law. The investigator may verify such assets if required and proceed in accordance with law, if any anomalies found. The concerned investigator is further directed to forward one original copy of the affidavit to the petitioner's employer within two weeks from today. Counsel further submits 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 does not dispute the contention made by counsel for the petitioner, but opposes the bail.

7. Although the allegations are serious but considering the custody of around two months viz-a-viz amount involved and coupled with the fact that petitioner had voluntarily declared assets, there would be no justification for further pre-trial incarceration.

Petition is allowed. Interim order dated 15.02.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.02.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.