

CRM-M-8507-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8507-2024
Reserved on: 01.03.2024
Pronounced on: 06.03.2024

Karnail Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Gurpartap S. Bhullar, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
02	31.01.2024	Vigilance Bureau, Phase-I, Punjab, Mohali	7 of PC Act 1988

1. The petitioner, who is an ASI posted in Police Station Kharar, apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 16.02.2024, this Court had granted interim bail to the petitioner, subject to compliance of some conditions and the said order is continuing till date.
3. Facts of the case are being taken from the reply dated 29.02.2024, which reads as follows:-

“2. That the present FIR has been registered against the petitioner, on the basis of direction given by the Sh. Parminder Singh Grewal, Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 30.01.2024. Accordingly, the statement was got recorded by the complainant/Sukhmeet Singh s/o Harinder Singh, who stated that the he is owner of a car Make Maruti Celerio, Colour white, bearing registration number PB-01-C-4622 and the car was given by him to the Harpreet Singh s/o Bakhtaur Singh on rent. Thereafter, on 17.10.2023 the complainant received a call from Mobile number 97802-16425 and the caller disclosed his name as ASI Karnail Singh/present petitioner from Police Station Kharar and stated that the driver of your car namely Harpreet Singh has been booked under NDPS Act for keeping in his possession a narcotics substance. The petitioner told the complainant to come to the Police Station Kharar along with documents of his car. The complainant further alleged that on the same day, he received another call from mobile

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number 7555970839 from unknown police official and he stated that the driver Harpreet Singh wanted to settle the matter and then the police official asked him to arrange Rs.1,00,000/- for settling the matter, and further told the complainant that otherwise also he will have to spend Rs. 60-70 thousands for getting bail. Thereafter on 28/29.11.2023 the complainant handed over the documents of his car to the present petitioner at Police Station Kharar. During this, the application for release of vehicle on Sapurdari was filed by the complainant in the court of Judicial Magistrate, First Class, Mohali for getting the car released, then after two days on the date fixed, the complainant got to know that the record of his car had not been produced by the police in the Court. Then on 04.12.2023, the complainant visited the police station Sadar Kharar, where he met the present petitioner and petitioner demanded Rs.20,000/- as bribe from the complainant and the Petitioner also stated that the amount Rs.10,000/- is for expenses to be incurred in the case and other Rs.10,000/- is for submission of Sapurdari report in the Court concerned."

4. Perusal of para 4 of the reply dated 29.02.2024, points out that investigation is still going on regarding role of the petitioner for demanding Rs.20,000/- from complainant-Sukhmeet. Further the police issued notice under Section 41-A CrPC to the petitioner and the petitioner had also joined investigation on 20.02.2024 and the investigation regarding demand of Rs.20,000/- still continuing and is not reached at conclusive stage, there is no apprehension of petitioner's arrest at this stage.

5. Given above, it is directed that in case, investigator wants petitioner's custodial interrogation or decides to arrest him, they shall give him at least seven days prior notice so that the petitioner can seek appropriate legal remedies by filing a petition under Section 438 CrPC before this Court. However considering the fact that despite a serious note taken by the concerned Additional Sessions Judge, investigation has not been concluded and one month has passed, as such the concerned Superintendent of Police is directed to either personally supervise the investigation or authorise another investigator as well as another supervisory officer in this matter. The concerned Superintendent of Police is directed to take decision in this regard positively within one week from today. The SHO of the Police Station is directed to convey this order to the concerned Superintendent of Police.

6. *There would be no need for a certified copy of this order and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

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7. Petition is disposed of in the aforesaid terms. Interim order is also modified to the extent mentioned above. All pending applications, if any, also stand disposed.

(ANOOP CHITKARA)
JUDGE

06.03.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.