

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11016-2024 (O&M)
Date of order: 14.03.2024

Maninder Singh
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Ranjit Singh Sidhu, Advocate
for the petitioner(s).
Mr. Sukhdev Singh, AAG, Punjab.
Mr. Nirmaljeet Singh Sidhu, Advocate
for aggrieved person/informer.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
3	20.01.2024	Vigilance Bureau, Patiala, District Patiala	Section 7 of the Prevention of Corruption Act, 1988 and Section 120- B IPC

- Apprehending arrest in the FIR captioned above, the petitioner had come up before this Court under Section 438 CrPC seeking anticipatory bail.
- In paragraph 18 of the bail petition, the accused declares that they have no criminal antecedents.
- Vide order dated 1.3.2024, this Court had granted interim protection to the petitioner which is continuing till date.
- Counsel for the petitioner submits that pursuant to order dated 12.3.2024 of this Court, the petitioner along with his spouse has voluntarily declared all their assets and the petitioner has also complied all the conditions mentioned in the interim order dated 1.3.2024 in letter and spirit.

5. State's counsel does not dispute the contention raised on behalf of the petitioner.

6. Case of the prosecution is being extracted from reply dated 6.3.2024 filed by the State by way of affidavit of concerned DySP, relevant portion of which reads as under:-

".....the brief facts of case/FIR no. 03 dated 20.01.2024 u / s * 7 of the P.C. Act and 120-B IPC, Police Station Vigilance Bureau, Patiala, District Patiala are that a Vigilance Enquiry no. 13 dated 28.10.2022, Patiala, was registered at the Senior Superintendent of Police, Vigilance Bureau, Patiala Range, Patiala. From the investigation, it was revealed that A.S.I. Balvir Singh No. 2774/PAP, In-charge of the Excise Department, Shri Muktsar Sahib and 27 employees posted under him stated in their statements that in the month of July 2021, upon the instructions of S.I. Surinder Singh no. 798/PAP, they collected Rs. 500 each, amounting to Rs.14,000. This collected amount was then handed over by ASI Balvir Singh no. 2774/PAP, upon the instructions of S.I. Surinder Singh to Senior Constable Maninder Singh No. 6-IRB/531. By doing so, Petitioner Senior Constable Maninder Singh No. 6-IRB/531 and S.I. Surinder Singh No. 798/PAP have committed offences under Section 7 of the P.C. Act, 1988, as amended by the P.C. (Amendment) Act, 2018 and section 120-B IPC. Hence, an FIR was registered against the petitioner.

7. Counsel for the petitioner seeks bail on the grounds that the amount involved is only Rs.14,000/- and even as per the allegations, it was collected on the directions of SI Surinder Singh and petitioner had no role at all.

8. However, State's counsel has opposed bail to the petitioner, by referring to the investigation in which role of the petitioner has been mentioned in paragraph 3 of the aforesaid reply dated 6.3.2024, which reads as under:-

"3. ROLE OF THE PETITIONER MANINDER SINGH:

The present FIR was registered against the Petitioner/accused Maninder Singh on the basis of inquiry conducted by the answering deponent (i.e. Deputy Superintendent of Police, Vigilance Bureau, Unit Sangrur). During investigation, it reveals that ASI Balvir Singh, number 2774/P.A.P. Incharge Excise Department, Sri Muktsar Sahib and 27 subordinate employees posted under him stated in their statements that they collectively contributed Rs.500 each in July 2021, as per the statement of S.I. Surinder Singh, number 798/P.A.P. Consequently, a total of Rs. 14,000 collected by A.S.I. Balvir Singh, number 2774/P.A.P was handed over to A.S.I. Surinder Singh as per his statement but was actually given to Senior Constable Maninder Singh, no. 6-IRB/531. Therefore, A.S.I. Surinder Singh, number 798/P.A.P. and Senior Constable Maninder Singh, number 6-IRB/531 have been charged under Section 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 and IPC Section 120-B. Hence aforesaid FIR has been registered against Petitioner Maninder Singh and his co- accused."

9. On the other hand, counsel for the complainant has also strenuously opposed the bail and submits that the petitioner is not entitled to bail for the reason that being a police official, he has illegally collected money in the shape of *hafta*.

10. An analysis of the aforesaid submissions would lead to the following outcome:

Reasoning:

11. The petitioner was granted interim protection on 1.3.2024 and during the interregnum, there is no allegation that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator and furthermore, in compliance of order dated 12.3.2024, the petitioner along with his spouse has already voluntarily declared their assets with an undertaking that for declaring assets, they would not claim any incrimination or violation of their rights under Articles 20/21 of the Constitution of India, Indian Evidence Act or any other law in force.

12. Given the penal provisions coupled with the *prima facie* analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage.

13. Given above, the present petition is allowed and interim order dated 1.3.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

March 14, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes