



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17295-2024 (O&M)
Date of order: 09.05.2024

Tarsem Pal
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Sandeep Verma, Advocate
for the petitioner(s).
Mr. Vinay Kumar Aggarwal, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
311	2.10.2021	City Faridkot, District Faridkot	7 & 13(1)(a) of the Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (Amendment) Act, 2018 and Section 42 of the Prisons Act, 1894.

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking bail.
2. Vide order dated 2.5.2024, this Court considering the nature and veracity of allegations as well as the custody, granted interim bail to the petitioner primarily on the ground that the petitioner along with his spouse had voluntarily agreed to declare their assets and also to comply with other conditions mentioned in the said order.
3. Today, counsel for the petitioner, on instructions, submits that they have complied with the conditions contained in the said interim order, declaring his assets as well as of his spouse and also submits that they would not claim it self-incriminatory or violative of their rights under Articles 20/21 of the Constitution of India, Indian Evidence Act or any other law in force.



4. State has filed its reply dated 8.5.2024 in Court, which is taken on record. A copy thereof has been supplied to the petitioner. As per the reply, case of the prosecution is as follows:-

“4. That brief facts of case FIR No. 311 (supra) are that one prisoner Vishal Kumar son of Charanjit Singh r/o Chand Chahal, Mansa was convicted in case FIR No. 135 dated: 24-7-2012 u/s 22 NDPS Act P.S City Mansa and was sentenced with imprisonment for 10 years and fine, besides various other FIRs in which said Vishal Kumar was confined in Faridkot Jail as under trial. Jail record transpired that on 20.01.2020 said prisoner Vishal Singh was involved in a case FIR No. 23 dated 20-01-2020 under section 294/186/353 IPC and 42/52 the Prisons Act P.S City Faridkot. During interrogation, accused-prisoner Vishal Kumar revealed various facts and made accusation against another prisoner Sarpanch Village Mangewala who was serving the sentence in a murder case, who allegedly received from Vishal Kumar sum of Rs. 10,000/- with false promise to get him released on parole. Thereafter Sarpanch Mangewala allegedly received from him ransom of Rs. 1,50,000/- by putting him in fear of death. As per the Vishal Kumar, said prisoner also caused injuries to jail inmate Avtar Singh @ Tara Dosanjh but due to intervention of Asst. Jail Superintendent Jugraj Singh, no criminal action was taken against him.

It is further disclosed by prisoner Vishal Kumar that said Mangewala Sarpanch with hands in glove with Petitioner- Assistant Superintendent Tarsem Pal Singh, was carrying his illegal activities of collecting money in Jail and received payments through online method in the PayTM account of warden Gurtej Singh. In the year 2019, on three occasions, he made payments of Rs. 35000/-, 5000/- and 5000/- respectively to co-accused Gurtej Singh on his Paytm number 81950-83146. Once in D-Addiction compound, petitioner-Tarsem Pal Singh, Asst. Superintendent had given him one smart phone and three keypad phones and various mobile accessories. He was once harassed with the pretext of shifting him to another block where his rivals were detained and thereby he paid bribe of Rs. 50,000/- to the petitioner- Tarsem Pal, Asst. Superintendent through his wife Baljit Kaur.

5. The during the course of enquiry, incumbent officer-cum- DSP(D) has obtained report of Technical Cell as to the Paytm - UPI No. 81950-83146, which revealed that on 19.09.2019 a sum of Rs. 35000/- was transferred to this number. Further payment of Rs. 3000/- and 5000/- were again transferred to this UPI number on 05.11.2019 and 14.11.2019 respectively. The amount was transferred by Sukhvir Singh R/o Partap Nagar, Bathinda from his Paytm UPI number 85280-63630 (Paytm ID- 7420803) to UPI no. 81950-83146 which belongs to Gursimran Singh s/o Gurnam Singh r/o Near Bus Stand, Village Dhilwan Kalan who was running Common service Centre and Business Corporate Point at Village Dhab Guru Ki. Above mentioned Gursimran Singh disclosed that his friend Jaskaran Singh who is son of Gurtej Singh-Warden used his UPI number to receive the above mentioned payments from Sukhvir Singh and payment was withdrawn by Jaskaran Singh. When Gurtej Singh was enquired about the payments received on the UPI of Gursimran Singh, co-accused Gurtej Singh also admitted that in the year 2019 he was in-charge of Block-F,G,H,J,K-05. Vishal Kumar-complainant was detained in Block-H. Fighting was broke out between Vishal and other inmates of his block. Vishal was produced before Gurjit Singh Brar, Deputy Superintendent of Jail and he was shifted in D- Addiction Centre. Gurjit Singh Brar and petitioner-Tarsem Pal Singh, Assistant Superintendent asked him (Gurtej Singh warden) to take UPI- Paytm number of some other person so that amount can be received from Vishal Kumar. Co-accused Gurtej Singh further disclosed that his son Jaskaran Singh gave him UPI number of Gursimran Singh and then payment was transferred by



Vishal Kumar to this UPI number. Warden Gurtej Singh had collected the amount from Gursimran Singh and handed over to the petitioner-Tarsem Pal in his office.

6. The allegations of Vishal Kumar that his wife Baljit Kaur paid a cash amount of Rs. 70,000/- as bribe to petitioner- Tarsem Pal Singh, Assistant Superintendent in November 2019 at the outside of Central Jail and again cash amount of Rs. 50,000/- paid to the petitioner in the end of December 2019 also appears to be genuine from the verification of mobile nguf 62847-23885, which belongs to Baljit Kaur w/o Vishal Kumar K 89 2025 and mobile number 94173-10254 of petitioner Tarsem Pal Singh. The Call details of these mobile number transpires that petitioner-Tarsem Pal Singh made mobile call to Baljit Kaur on 23-12-2019, 20-12-2019 and 21- 01-2020. Being an Assistant Superintendent of Jall, making phone calls to the wife of a Jail Inmate is highly unusual and there is no explanation in this regard from the side of petitioner.

7. The video uploaded by Vishal Kumar on Social media and facts surfaced during his interrogation in case FIR No. 23 (supra) prima facie established the allegations of receiving bribe of Rs. 120,000/- in cash and Rs. 43000/- through online from Vishal Kumar and his wife Baljit Kaur which is a serious offence and involvement of petitioner - Tarsem Pal Singh, Assistant Superintendent ii) Gurjit Singh Brar, the Deputy Superintendent and iii) Warden Gurtej Singh came in light and prima facie offence 7, 13 of Prevention of Corruption Act r/w 42 of the Prisons Act made out. Therefore, the Deputy Superintendent of Police (D) Faridkot vide his report dated 03.06.2020 recommended to initiate criminal proceedings against petitioner and his accomplice.”

5. I have heard counsel for the parties and gone through the record.

6. The petitioner was granted interim protection on 2.5.2024. Petitioner along with his spouse has 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. Considering the nature of allegations against the petitioner and his pre-trial custody, which is about 2 months and cannot be said to be less, his further pre-trial custody may not be justified.

7. Given above, the petition is allowed and interim order dated 2.5.2024, is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 09, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No