



CRM-M No. 22973 of 2024

227 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 22973 of 2024
Date of Decision: 20.05.2024

Dr. Kanwaljit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Amit Arora, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
19	03.04.2024	Vigilance Bureau, District Amritsar	7 of PC (Amendment) Act, 2018

1. The petitioner, incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC.
2. Vide order dated 13.05.2024, this Court had granted interim bail to the petitioner and the said order is continuing till date.
3. Prosecution case is being extracted from reply dated 20.05.2024 filed by concerned DySP which reads as follows:-

“3. That the brief and relevant facts of the case are that the aforesaid FIR No. 19 dated 03.04.2024 was registered on the statement of Dharambir Singh son of Sh. Santokh Singh resident of Gali Mata Lacho Wali, Mohalla Tak Kshetri, Near Gurudwara Bhagat Baba Namdev Ji, Tarn Taran, recorded by the Inspector, Vigilance Bureau, Unit Tarn Taran, who had alleged in his aforesaid statement that he was working as a District Incharge for the Dainik Jagran Newspaper being journalist having 27 years of experience and his elder son Harmanbir Singh was a

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partner of a firm namely Majha Enterprises along with Sukhdev Singh and the aforesaid firm has taken a contract for the running of a canteen in the Civil Hospital, Tarn Taran in the year 2023, which was continuing in the year 2024 with 10% enhancement. He further alleged that he used to look after the working of aforesaid canteen along with his son and the petitioner, who was working as a Senior Medical Officer, Civil Hospital, Tarn Taran used to harass him (complainant Dharambir Singh) by raising demand of bribe for the operation of the canteen and also threatening him to cancel the contract of the canteen by pointing out defects in the food item prepared and sold in the aforesaid canteen. He further alleged that the petitioner was demanding Rs. 50,000/- from him as bribe and he (Dharambir Singh) had called him through whatsapp on his mobile No. 98558-01144 from his mobile No. 70090-94215 and talked to him on speaker phone to request him to reduce the bribe amount and their conversation was video recorded by his son Harmanbir Singh through his mobile phone. He further alleged during the aforesaid conversation, the petitioner agreed to accept Rs. 25,000/- as bribe from him by reducing the amount from Rs. 50,000/- but thereafter, he again became adamant on his demand of Rs. 50,000/- as bribe, which his conscious did not allow him to pay to the petitioner but he had made a false promise with him to pay the aforesaid amount of Rs. 50,000/- as per his demand and demanded appropriate legal action against the petitioner. He also presented a pendrive containing video recording of the phone conversation between him and the petitioner along with Rs. 50,000/- in cash i.e. 100 currency notes of Rs. 500/- each, for using the same during the trap for the red handed arrest of the petitioner, which were taken into Police possession vide presentation memo dated 03.04.2024. The detailed facts mentioned by him in his aforesaid statement have been reproduced in the true translation of the FIR No. 19 dated 03.04.2024 attached with the petition as Annexure P-1, which may kindly be read as a part

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of the present paragraph as same are not repeated for the sake of brevity.

4. *That after recording the aforesaid statement of the complainant, the Inspector, Vigilance Bureau, Unit Tarn Taran, decided to lay a trap to arrest the petitioner red-handed while accepting the bribe amount from the complainant and joined Sh. Lalit Kumar, Senior Assistant, Water Supply and Sanitation, Division No. 2, District Tarn Taran and Ms. Lovejit Singh, Junior Engineer, Water Supply and Sanitation, Sub-Division Tarn Taran as a shadow witnesses in the raiding team to witness the red handed arrest of the petitioner while accepting the bribe amount from the complainant and the recovery of the bribe amount from him during the trap proceedings. The amount of Rs. 50,000/- i.e., 100 currency notes of Rs. 500/- each, presented by the complainant before him for the purpose of its use during the trap proceedings, was taken into Police possession by noting down serial numbers of all the currency notes in the presentation memo and smeared with phenolphthalein powder and handed over to the complainant to give to the petitioner according to his demand. Before proceeding to conduct the raid, the investigating officer demonstrated and explained the entire procedural formalities for conducting raid, arrest and recovery of the bribe amount from the accused person during the trap to the complainant and the aforesaid shadow witnesses. He also prepared the requisite documents and got registered the FIR at the Police station Vigilance Bureau, Amritsar.*

5. *That thereafter, the investigating officer along with his team of officials, the complainant and aforesaid shadow witnesses proceeded towards the Civil Hospital, Tarn Taran. After reaching at the aforesaid office of the petitioner at Civil Hospital, Tarn Taran, the shadow witness Lovejit Singh, incidentally got separated from the complainant due to heavy rush of Public at the Civil Hospital, Tarn Taran and could not enter into the room of the petitioner in time along with the complainant but the complainant entered into the room of the*

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petitioner and handed over the cash amount of Rs. 50,000/- to him, while the shadow witness Lovejit Singh was trying to trace the complainant and met him, when he was coming out of the room of the petitioner after handing over the aforesaid cash amount. The complainant told the shadow witness Lovejit Singh that he had handed over the bribe amount of Rs. 50,000/- to the petitioner, who had kept the same without counting it, in the iron almirah kept in room attached with office in the hospital. Thereafter, aforesaid shadow witness Lovejit Singh signaled the investigating officer to come inside the office of the petitioner to proceed further and the investigating officer along with his team, complainant and both shadow witnesses entered into the office of the petitioner. The complainant told the investigating officer that the petitioner was Dr. Kanwaljit Singh, Senior Medical Officer, Tarn Taran by pointing out towards him and thereafter, the investigating officer introduced him to the petitioner and instructed him not to move from his spot. After that the fingers of right hand of petitioner was got washed in separate glass of water mixed with a solution of sodium carbonate, which turned into light pink on doing so by him. The aforesaid solutions was put into a separate clean bottle and sealed with his seal 'S.S' and taken into Police possession as evidence as per the procedure. Thereafter, the bribe money i.e., Rs. 50,000/- in the shape of 100 currency notes of Rs. 500/- each, were got recovered from the second shelf of the iron Almirah lying in the room attached to the office of the petitioner through shadow witness Lalit Kumar and the series numbers of recovered currency notes were matched with the list (prepared before conducting the raid in his office by the investigating officer) by the official witness and all the numbers matched with each other. The recovered currency notes i.e., bribe money, were taken into Police possession vide separate recovery memo by the investigating officer as per the procedure and the petitioner was arrested vide arrest memo dated 03.04.2024.



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6. *That the true translation of the transcript of the conversation between the complainant Dharambir Singh and the petitioner on whatsapp call recorded by Harmanbir Singh (son of the complainant) through his mobile phone relating to the demand of the bribe by the petitioner is attached herewith for the kind consideration of this Hon'ble court as Annexure R-1/T."*

4. In pursuance of order dated 13.05.2024, counsel for the petitioner has handed over two sets of affidavits to the State counsel who has given the same to the Investigator. One set be sent to petitioner's employer and one set be kept by the Investigator for their records.

5. Given above, the petition is allowed and interim order dated 13.05.2024 is made absolute. All pending applications, if any also stand closed.

(ANOOP CHITKARA)
JUDGE

20.05.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.