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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24678-2024
Decided on: 30.05.2024

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Gauravdeep S. Dhaliwal, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	11.07.2022	Vigilance Bureau Range Amritsar, District Amritsar	7 of Prevention of Corruption (Amendment) Act 2018

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. On 21.05.2024, this Court asked the State to file reply and granted interim bail to the petitioner and one of the reason for granting bail was that the petitioner had voluntarily agreed to declare his and his wife’s assets, which was mentioned in para 16 of the bail order.
3. Petitioner’s counsel submits that they had handed over the affidavits to the Investigator and 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. He further submits that further pre-trial incarceration would cause an irreparable injustice to the petitioner and family.
4. The State’s counsel does not dispute the contention made by counsel for the



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petitioner, but opposes the bail by filing reply dated 28.05.2024, which is taken on record and copy of the same supplied to counsel for the petitioner.

5. Prosecution's case is being taken from the reply dated 28.05.2024, which reads as under:-

"3. That the brief and relevant facts of the case leading to the registration of the aforesaid FIR No. 10 dated 11.07.2022 under section 7 of the Prevention of Corruption Act, 1988 at the Police Station Vigilance Bureau, Range Amritsar are that the complainant Paramjit Singh son of Gurnam Singh resident of Kairowal, Tehsil and District Tarn Taran has made a complaint dated 10.08.2020 to the Chairman, Punjab State Human Rights Commission, Chandigarh alleging therein that he had got registered a FIR No. 230 of 2019 under sections 452 & 325 of the Indian Penal Code at Police station City Tarn Taran, which was being investigating by the petitioner being an Incharge of the Police post Dhora (Town) of Police Station City Tarn Taran, District Tarn Taran and the petitioner had demanded and received an amount of Rs. 40,000/- as bribe from him by inducing him to add more serious offences (Section 307 IPC) in the aforesaid case but he neither made addition of any offence in the case nor returned the money taken from him for that purpose. He further alleged that when he demanded his money back, he was threatened by the petitioner with dire consequences if he dared to take any action against him by claiming that he had links with higher officers.

4. That after examining the allegations made by aforesaid Paramjit Singh, the Punjab State Human Rights Commission, Chandigarh forwarded the aforesaid complaint to the Office of the Chief Director, Vigilance Bureau, Punjab for the verification of his allegations, which was registered as a complaint No. 11/2021/Tarn Taran in the office of Chief Director, Vigilance Bureau, Chandigarh and forwarded to the office of the Senior Superintendent of Police, Vigilance Bureau, Amritsar for verification of facts and submission of detailed enquiry report vide Memo No. 12664/VB/A.S-8 dated 09.04.2021.

Role of the petitioner

5. That after verifying the allegations of the complainant, the Senior Superintendent of Police, Vigilance Bureau, Range Amritsar submitted a detailed Enquiry Report dated 30.03.2022 to the office of Chief Director, Vigilance Bureau, Punjab vide Memo No. 1574/A-2 dated 30.03.2022. The aforesaid complaint No. 11/2021 Tarn Taran was conducted as per the rules and the settled procedure with due compliance of the principles of natural justice for the verification of the allegations made by the complainant in his complaint. The statements of the complainant, accused persons and other concerned witnesses were recorded during the enquiry proceedings and the entire documentary evidence was thoroughly analyzed in the light of the alleged facts. After thoroughly examining the facts, evidence and circumstances of the case, the Senior Superintendent of Police, Vigilance Bureau, Range Amritsar (Enquiry officer) arrived on a conclusion that the allegations made by the



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complainant were proved and made a recommendation for the registration of a FIR against the petitioner. The true translation of the concluding paragraph of the aforesaid Enquiry Report is reproduced for the kind perusal of this Hon'ble Court, as under :-

*"From the verification of the complaint conducted so far by the undersigned in respect to the oral submissions and documentary evidence, it has been found that even though audio recording relating to demand of bribe by ASI Harpal Singh cannot be obtained due to the lost mobile phone of complainant Paramjit Singh but it is found that ASI Harpal Singh, Incharge Police Post Dhora (Town), Tarn Taran has obtained bribe of Rs 40,000/- from Balwinder Kaur, mother of complainant in the presence of witness Ex-Sarpanch Harjinder Singh son of Gurnam Singh resident of Village Kairowal and Dalbir Singh son of Joginder Singh resident of Village Kairowal, Tarn Taran relating to lodging of FIR against accused Sukhdev Singh during the dispute between * complainant Paramjit Singh and neighbor Sukhdev Singh son of Sardool Singh resident of Village Kairowal, Tehsil and District Tarn Taran. In this way the allegation relating to the obtaining the bribe of Rs. 40,000/- by ASI Harpal Singh, Incharge Police Post Dhora (Town), Tarn Taran are proved.*

So, it is suggested to register FIR against ASI Harpal Singh, Incharge Police Post Dhora (Town), Tarn Taran under appropriate sections after taking opinion from J.D (P), V.B Punjab. Besides that, this matter is pending before Hon'ble State Human Rights Commission, Punjab, Chandigarh, whose next date is fixed for 19.07.2022."

6. That it is humbly submitted that during the aforesaid enquiry proceedings, the complainant made a statement before the Senior Superintendent of Police, Vigilance Bureau, Range Amritsar alleging therein that on 14.08.2019, he was attacked by his neighbour Sukhdev Singh son of Sardool Singh, his family members and relatives, who had caused injuries to him after forcibly entering into his house and thereafter by firing shots from 12' bore gun by co-accused Gursewak Singh while he was going to hospital. He further alleged that the petitioner being an Incharge of the Police post Dhora (Town), Police station city Tarn Taran had recorded his statement in the hospital regarding the aforesaid occurrence and also took into possession his medico-legal examination report but instead of the registration of FIR against the accused persons, he pressurized him to compromise with them. He further alleged that he handed over a Pendrive containing a video of the occurrence to the petitioner and thereafter, the petitioner started demanding Rs. 45,000/- from his mother for the purpose of registration of FIR against the accused persons in the presence of Harjinder Singh, Dalbir Singh and Baljinder Singh, Member Panchayat and on 04.09.2019 at about 04:30 PM, his mother paid Rs. 40,000/- to the petitioner on his demand in the presence of Harjinder Singh, Dalbir Singh and Baljinder Singh, Member Panchayat and thereafter, the petitioner registered FIR No. 230 dated 06.09.2019 under sections 323, 325, 452, 148 & 149 IPC at Police station City Tarn Taran against accused



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on 06.09.2019. He further alleged that thereafter, he demanded more money of Rs. 45,000/- from his mother for addition of serious offences in the aforesaid case. It was further alleged by him that when his mother refused to pay the aforesaid bribe money to the petitioner by saying that she had already received money to him under pressure, he did not make addition of offences in the case, and also did not return the amount of Rs. 40,000/- taken from his mother on 04.09.2019 for the registration of FIR. The complainant further alleged that he had a recording of his conversation with the petitioner with respect to the demand and receipt of the bribe amount by him but could not produce the same as his mobile phone was lost. The statement of the petitioner was also recorded during the aforesaid enquiry proceedings vide which he denied the allegations of the complainant and claimed that he was innocent and being falsely implicated by the petitioner and his mother.

7. That after the receipt of the aforesaid enquiry report dated 30.03.2022, the office of the Chief Director, Vigilance Bureau, Punjab issued direction to the Senior Superintendent of Police, Vigilance Bureau, Range Amritsar for the registration of FIR under section 7 of the Prevention of Corruption Act, 1988 against the petitioner on 08.07.2022.

Accordingly, FIR No. 10 dated 11.07.2022 under section 7 of the Prevention of Corruption Act, 1988 was registered at the Police Station Vigilance Bureau, Range Amritsar, against the petitioner. The true translation of the aforesaid FIR No. 10 dated 11.07.2022 is attached with the petition as Annexure P-1, which may kindly be read as part of the present paragraph please as same are not repeated here for the sake of brevity.

8. That the petitioner was arrested by the investigating officer on 22.02.2024 during the course of investigation.

Evidence against the petitioner

9. That during the investigation so far, the statements of 3 witnesses besides the complainant (Paramjit Singh), namely Balwinder Kaur (mother of the petitioner), Harjinder Singh and Baljinder Singh, Member Panchayat of village Kairowal, Tehsil and District Tarn Taran have been recorded under section 161 Cr.P.C, who have corroborated the version of the complainant. During the course of investigation, the statements of the complainant Paramjit Singh and other prosecution witnesses namely Balwinder Kaur, Harjinder Singh and Baljinder Singh, Member Panchayat, have also been got recorded under section 164 Cr.P.C. by the investigating officer in the court of Smt. Ittu Sodhi, JMIC, Tarn Taran on 23.08.2022.

10. That the petitioner was sent to the judicial custody by the learned Chief Judicial Magistrate, Tarn Taran on 24.02.2024. The custody certificate of the petitioner will be submitted directly by the Jail Authorities before this Hon'ble court.

11. That the petitioner is not entitled to concession of a regular bail in view the seriousness of the allegations and the gravity of the offence committed by him. There is a strong apprehension that he can misuse the

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concession of a regular bail by way of influencing and inducing the prosecution witnesses with use of unfair means.”

6. I have gone through the record and heard counsel for the parties at length.
7. Given the facts and circumstances peculiar to the case coupled with the fact that petitioner had voluntarily declared assets and considering the amount involved, nature of allegations and also the period of custody which is approximately 3 months, there would be no justification for further pre-trial incarceration.

Petition is allowed. Interim order dated 21.05.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

30.05.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.