

CRM-M-30784-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30784-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Jagroop Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
20	15.05.2024	Vigilance Bureau Patiala, District Patiala	120-B IPC and Section 7 of PC Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 17.07.2024, which reads as follows:-

“3. That the brief facts of the case are that the above noted case has been registered on the statement of Rajiv Chaudhary son of Bhagwan Dass Chaudhary r/o House No. 2889 opposite Panjiri Plant Rajpura Town district Patiala against the petitioner-Head Constable Jagroop Singh and PHG Balwinder Singh posted at the office of Special Cell, Patiala on the allegation that the complainant is the resident of given address. The complainant has been running a flour mill at Rajpura from the last about 03 years. The complainant purchased one car bearing No. PB- 39G-4505 make Kwid for a sum of Rs.2,50,000 from dealer Prince Sadana and Ramesh Sadana r/o Rajpura Town. Out of above amount Rs. 2,36,500/- were transferred to the account of above noted dealers in their Google Pay accounts and the remaining amount was not transferred due to non-delivery of car document like RC, insurance etc, When the complainant asked them all the said documents of the above said, the above noted dealers kept refusing on one pretext or other. They did not give the car

documents to the complainant. When the complainant repeatedly went to the car dealers to get documents, they used filthy language against the complainant. Therefore, the complainant filled an application to the SSP Patiala against the car dealers. The said application was marked to the Special Cell Patiala for conducting the inquiry in the application, where the complainant was summoned and he met PHG Balwinder Singh in the office of Special Cell Patiala, Who disclosed that the inquiry in the application is being conducted by Constable Jagroop Singh and in the presence of PHG Balwinder Singh, Constable Jagroop Singh asked complainant to switch off speaker of his mobile phone, and during the conversation, HC Jagroop Singh and PHG Balwinder Singh told the complainant that if he wants to get his application inquiry conducted in his favour then he has to pay RS. 10,000/- as bribe money to them. Then Balwinder Singh started recording statement of the complainant and asked him to pay RS. 10,000/-. Upon this the complainant told PHG Balwinder Singh that he would tell him after thinking over it. The complainant did not want to get his job done by paying bribe money to them. Therefore, the complainant filed an application dated 13-05-2024 to the Senior Superintendent of Police Vigilance Bureau, Patiala Range Patiala to take action against above noted PHG Balwinder Singh and Head Constable Jagroop Singh. The said application was duly verified by the Vigilance Bureau Department, which was found to be correct and the conversation took place regarding demand of RS. 10,000/- as bribe money by PHG Balwinder Singh and Constable Jagroop Singh was duly recorded in the memory card.

4. That thereafter, the complainant produce currency notes of Rs. 10,000/- demanded as bribe by PHG Balwinder Singh and Head Constable Jagroop Singh posted at Special Cell, Patiala and memory card of the recording made regarding above said demand before the inquiry officer and requested to take legal action against above noted accused. The Deputy Superintendent of Police, Vigilance Bureau, Patiala Range, Patiala recorded the above statement of the complainant, on the basis of which above noted case has been registered at Police Station Vigilance Bureau, Patiala Range, Patiala.

5. That after recording the statement of the complainant against PHG Balwinder Singh and Head Constable Jagroop Singh, the complainant produced 20 currency notes of denomination of Rs.500/- each before the I.O, which were applied phenolphthalein powder and after satisfying that no other money paisa etc. was with complainant, same were handed over back to complainant and he was instructed that when any one out of PHG Balwinder Singh and Head Constable Jagroop Singh. A demands bribe, then he should hand over those powder laced currency notes to him and not to shake hand with him. Memo regarding producing and handing over the currency notes was prepared.

6. That thereafter making plan Ravi Narula, J.E. Water Supply Sewarage Board, Division No.-2, Patiala was appointed shadow witness along with complainant and directed that he would accompany the complainant-Rajiv Chaudhary to fixed place office of Special Cell, Patiala i.e Kothi No.43-E, Nabha Road, Patiala and would see and hear the conversation between them regarding transaction of bribe and when any person out of above

CRM-M-30784-2024

said would take bribe amount from complainant Rajiv Chaudhary, then on getting an opportunity, he would give a signal to raiding party standing outside by putting and the raiding party would be waiting for his signal while standing scattered near the above said Kothi No.43-E, Nabha Road, Patiala and reached at the spot, where the accused-PHG Balwinder Singh was working while sitting in his office and asked the complainant to sit on the chair. When the complainant asked him about his job, then he demanded Rs. 10,000/- to him and after taking the bribe money, he put this amount in plastic Tokri (bucket) the shadow witness gave signal to the raiding police party. At this the accused - PHG Balwinder Singh was apprehended by the I.O. and the bribe money was recovered got from him through second Govt. witness Arwinder Singh, SDO, Water Supply Sewerage Board, Division No.2, Patiala. Recovery of currency notes was prepared at the spot and the bribe money was taken into police possession. On asking by the I.O. accused - PHG Balwinder Singh handed over all the documents to I.O. after taking out from his drawer of the table, which were taken into police possession and writing work was completed by the I.O. at the spot and supplementary statement of the complainant was recorded.

7. That the complainant also produced the transcript dated 13-05-2024 recorded by the complainant regarding conversation took place between the complainant and accused-PHG Balwinder Singh before the police, which is attached herewith as Annexure R-1, wherein the conversation regarding making payment of bribe money to the petitioner has been recorded.”

4. The petitioner's counsel argues that petitioner was not present in the office of Special Cell Patiala, nor he was concerned with the alleged occurrence in any manner. He further submits that no complaint of the complainant was pending with the petitioner and furthermore, petitioner has never met the complainant nor has ever demanded anything from the complainant, petitioner has been falsely implicated in the present case. It is also submitted that since 07.05.2024 to 04.06.2024 petitioner was on election duty in the area of Police station Banur and during that period he was not in the office of Special Cell Patiala at the time of alleged occurrence. Copy of Duty Roster is annexed at Annexure P-2. Petitioner has unblemished record of 12 years of service and till date, neither any complaint is pending against him nor any FIR.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State opposes bail and has referred to para 10, which reads as follows:

“That during the interrogation of co-accused -PHG Balwinder Singh disclosed that complaint includes complaint No. 1335 E-Mail dated 02-03-2023 by the complainant Harinder Singh son of Kulwant Singh, r/o Village Saifdipur Patiala, Complaint No. 39/GCP dated 16-01-2023 by complainant Harinder Singh son of Kulwant Singh r/o Village Saifdipur

Patiala, Complaint No. 2963/Peshi dated 25-03-2023 by complainant Puneet Jain son of Vanu Ram Jain r/o Anardana Chowk, Patiala, complaint without number Dasti by complainant Nisha Garg wife Raj Kumar Garg r/o Village Sullar Patiala, Complaint No. 9100/Peshi dated 19-08-2023 by the complainant Jaspal Singh son of Gurbaksh Singh, r/o Green Park, Colony, Sirhind Road, Patiala. These complaints were personally inquired by Head Constable Jagroop Singh. Head Constable Jagroop Singh himself has been making transactions directly with the applicant and suspects. The persons of these complainant, Head Constable Jagroop Singh had received Rs.15,000/- from Puneet Jain for recommending to file a case against the suspect in this complaint, Rs.7000/- from Nisha Garg for vacating her shop and paying rent for the shop. On demand by Head Constable Jagroop Singh from Rajiv Chaudhary, the amount of Rs.10,000/-was received by me but the amount of Rs.15,000/-and Rs.7000/-was obtained by Head Constable Jagroop Singh himself, out of which he me Rs.500/- and Rs.700/- as expenses petrol etc. Office of Special Cell are situated at CIA, Rajpura and P.S. City Samana. Apart from in the statement u/s 164 Cr.P.C. of the complainant recorded by the Ld. Magistrate, there is mention about the bribe money. As well as in the transcript also the complainant met the petitioner, wherein demand has also been mentioned under the pretext of to collect various documents and visits to various offices.”

7. The recovery of bribe money did not take place through the petitioner, and in addition to the criminal investigation, departmental action regarding his conduct would be sufficient to deal with his doubtful activities.
8. Given the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	

CRM-M-30784-2024

3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
13. A certified copy of this order would not be needed for furnishing bonds, 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. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.