

CRM-M-36337-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36337-2024
Reserved on: 12.08.2024
Pronounced on: 30.08.2024

Chattar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
28	09.07.2024	Vigilance Bureau, Patiala, District Patiala	7 of PC (Amendment Act, 2008)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 7 of the reply, the accused has the following criminal antecedent:-

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	9	20.02.2024	7 of Prevention of Corruption Act, 1988 (Amendment Act, 2008)	Vigilance Bureau, Patiala

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That pursuant to the order by Hon'ble Court, it is submitted that the brief facts are as following:-

FIR No. 28 dated 09.07.2024 U/s 7 of the P.C. Act, Police Station Vigilance Bureau, Patiala Range Patiala, District Patiala was registered on Verification Report of Anti Corruption Compliant no. 152728 dated 28/04/2024 against A.S.I. Chatar Singh No. 73/Sangrur. From Verification Report it has been found that the complainant Jaswinder Singh Randhawa son of Sh. Basant Singh, resident of Patti

Randhawa, Ward No. 09 Longowal, District Sangrur, now resident of House No. 84, Dashmesh Enclave, Dakoli, Zirakpur had some issues regarding rendition of accounts with Major Singh son of Harnek Singh, resident of Dhadrian, regarding which the complainant Jaswinder Singh Randhawa filed a complaint against Major Singh etc. in the Hon'ble Court at Derabassi. In the meantime, Major Singh filed a complaint numbered P.G.D.I.D. NO. 238581 against the complainant Jaswinder Singh Randhawa before Senior Superintendent of Police Sangrur, which was marked to ASI Chatar Singh, Police Station Longowal, for further investigation and while investigating the complaint, ASI Chatar Singh recorded the statements of the complainant Major Singh and the opposite party Jaswinder Singh Randhawa. The statement of Jaswinder Singh Randhawa regarding the aforesaid complaint was recorded by ASI Chatar Singh on 25/10/2023 and on the even date, i.e., 25/10/2023, said ASI Chatar Singh demanded Rs. 15,000/- as a bribe to prepare a report in favor of aforesaid Jaswinder Singh Randhawa and A.S.I. Chatar Singh had received a bribe of Rs. 14,000/- from aforesaid complainant Jaswinder Singh on the same day. The complainant Jaswinder Singh recorded the conversation held with ASI Chatar Singh on 25/10/2023 regarding bribe. Thereafter, ASI Chatar Singh submitted the report of Complaint No. 238581 to the Station House Officer, Police Station Longowal on 10/11/2023 with the recommendation to file the complaint. The pen drive (Master Q24 8 GB) regarding the audio recording and the bank account statement have been submitted by the complainant Jaswinder Singh, during the enquiry of the Anticorruption complaint. From the perusal of the statement made by the complainant Jaswinder Singh and the transcript IVE M prepared from the audio recording, the allegations of demand of Rs. 15,000/- and receiving a bribe of Rs.14,000/- by ASI Chatar Singh are proved. Hence, the present FIR No. 28 dated 09.07.2024 U/s 7 of the P.C. Act, Police Station Vigilance Bureau, Range Patiala has been registered against ASI Chatar Singh.”

4. 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.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER ASI CHATAR SINGH SINGH:

It is submitted that, ASI Chatar Singh, while investigating a complaint (P.G.D.L.D. NO. 238581) filed by Major Singh against Jaswinder Singh Randhawa, is alleged to have demanded of Rs. 15,000/- and accepted a bribe of Rs. 14,000 from Jaswinder Singh on 25/10/2023 in exchange for preparing a favorable report. He recorded statements from both parties involved and later submitted a report to the Station House Officer, Police Station Longowal, recommending the filing (Dispose) of the complaint. The complainant provided an audio recording of the bribe and bank transaction as evidence, leading to the registration of FIR No. 28 dated 09.07.2024-against ASI Chatar Singh under the Prevention of Corruption Act and other relevant sections of

the IPC.

5. **PETITIONER ASI CHATAR SINGH VESTED INTEREST:**

It is submitted that there are multiple evidence came up on record during the investigation, which are listed as:-

A. **Transcript of Audio Recording Dated 25.10.2023:** *The transcript pertains to an audio recording provided by complainant Jaswinder Singh during enquiry of Anti corruption Complaint No. 152728 Dated 28.04.2024.(Annexure as R-1/T)."*

7. The transcript does mention the demand, but except for withdrawal, there is no corroborative evidence of acceptance of the money, which is significant when analyzed with the delay in the complaint.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration.

9. Given the above, 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. 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.

10. 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 Ilaka 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.

11. 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.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. **The petitioner is directed to join the investigation within seven days and as and when called by the Investigator.** The petitioner shall be in deemed custody for Section 27

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of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. 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.

17. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.