209 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-40453-2024
Decided on : 04.12.2024

Rajbir Singh ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S.Ahluwalia, Advocate with
Ms. Keerat Dhillon, Advocate and
Mr. Sarabjit Cheema, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

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Manjari Nehru Kaul, J.

The present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.19 dated 25.04.2024 under Section 7 of the Prevention of Corruption Act (Section 12 of the Act was added later on) and Sections 25 and 30 of Arms Act registered at Police Station Vigilance Bureau, Ludhiana.

2. On the last date of hearing i.e. on 04.10.2024, while noticing the following submissions made by the learned counsel for the parties, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:

> *"Learned counsel for the petitioner submits that even as per the case of the prosecution demand of bribe was not made by the petitioner but by co-accused Balraj Singh.*

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Thereafter, when the trap was laid pursuant to a complaint made by the complainant, it was co-accused, Constable Balraj Singh, who was apprehended with the tainted money. Learned counsel submits that there was no direct conversation between the petitioner and the complainant pertaining to any demand of illegal gratification, much less acceptance of the same. It has been further submitted that the alleged demand of bribe had been made for registration of an FIR which, however, already stood registered prior in time to the acceptance and recovery of the bribe. In support, learned counsel has drawn the attention of this Court to Annexure P-3 wherein it stands reflected that the FIR in question came to be registered on 24.04.2024 at 1500 hrs. Learned counsel submits that in the circumstances, the case of the prosecution falls flat in the face as there could have been no occasion for the petitioner to have demanded illegal gratification from the complainant. Still further, learned counsel has drawn the attention of this Court to the status report filed by way of affidavit of Vinod Kumar, PPS, Deputy Superintendent of Police, Vigilance Bureau, Unit, Ludhiana, and has submitted that it has been stated therein that the only reason why the custodial interrogation of the petitioner is required is for the recovery of the mobile handset used by the petitioner through which the purported bribe demand was made through co-accused Balraj Singh. Learned counsel submits that the petitioner is willing to join investigation and hand over the mobile handset to the investigating agency. Learned State counsel, however, has opposed the prayer and submissions made by the counsel opposite. He submits that not only is the mobile handset of the petitioner required but even his voice

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sample is required as that would go a long way in linking the petitioner to the alleged demand of bribe. Learned counsel for the petitioner submits that the petitioner be given one more opportunity to join investigation. He undertakes that the petitioner would not only hand over his mobile handset to the investigating agency but would also unhesitatingly give his voice sample. A pointed query has been put to the learned State counsel as to whether any recovery of the tainted money had been effected from the petitioner, he, on instructions from SI Mangal Singh, has replied in the negative but has asserted that the money although recovered from co-accused Balraj Singh, had been given at the behest of the petitioner. In the light of the above, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the BNSS. The petitioner is further directed to cooperate with the investigating agency by handing over his mobile handset along with giving his voice sample."

3. Learned counsel for the petitioner submits that in compliance of order dated 04.10.2024, petitioner has joined the investigation and handed over his mobile handset.

4. Learned State counsel, on instructions, has not disputed the submission made by learned counsel for the petitioner. Learned

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State counsel has further submitted that the petitioner is not required for custodial interrogation.

5. In view of the above, present petition is allowed and interim order dated 04.10.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC/482(2) BNSS.

(MANJARI NEHRU KAUL)
JUDGE

04.12.2024
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No

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