



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-45005-2024

Date of decision: 10.12.2024

ASI BOHAR SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition is for grant of anticipatory bail to the petitioner in case FIR No.180 dated 20.08.2024 under Section 7 of the of the Prevention of Corruptions Act, 1988 (Amendment Act, 2018), registered at Police Station City Katkapura, District Faridkot.
2. On the last date of hearing i.e.03.10.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned senior counsel for the petitioner submits that the FIR in question is a clear case of false implication and abuse of power by the investigating agency. He has emphasized that the alleged incident pertains to the year 2019, yet the FIR in question was lodged only on 20.08.2024, after an explained delay of five years. It is argued that the registration of the FIR is politically motivated, as just two months before its lodging, the petitioner had filed a DDR against one Birinder Singh Sandhwa, the



brother of a politically influential figure in the State. In support, learned senior counsel has drawn the attention of this Court to Annexure P-1, which is the DDR No.015 dated 12.06.2024. It has been asserted by the learned senior counsel that the petitioner had been under pressure from Birinder Singh Sandhwa to withdraw the FIR, and when he refused to do so, he was falsely implicated in the present case. Learned senior counsel has also highlighted the suspicious timing of the FIR, questioning why the complainant after years of inaction, suddenly chose to register the FIR. He has submitted that the allegations themselves are implausible, as the petitioner, who was just an Moharrir Head Constable (MHC), is accused of demanding a bribe from the complainant to cancel an FIR against him. Learned senior counsel has argued that not only was the petitioner not involved in the investigation of that case, but a cancellation report had already been prepared, which was returned by the Court for further investigation, leaving the petitioner in no position to influence the outcome. Learned senior counsel has further pointed out that the prosecution is attempting to link the petitioner to the complainant through a cheque allegedly issued by him for bribe, which was subsequently encashed. It has been argued, however, that the cheque was given way back in the year 2020 during the Covid pandemic as a goodwill gesture to help the family of the petitioner as the petitioner's wife and the complainant's mother were not only well acquainted but also related to each other. It has been submitted that it defies logic that a bribe would be paid by way of a cheque, creating an easily traceable paper trail. Even if the allegations are assumed to be true, learned senior counsel has argued that it is highly questionable that the complainant would wait for four years before reporting the bribe to the police, suggesting that there is more to the case than what has been alleged. In light of these circumstances, learned senior counsel has contended that since the case of the prosecution hinges entirely on documentary evidence already in the possession of the investigating agency, custodial interrogation of the petitioner would not be necessitated.”



3. Learned counsel for the petitioner submits that in compliance of order dated 03.10.2024, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Sewa Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 03.10.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

(MANJARI NEHRU KAUL)
JUDGE

December 10, 2024
poonam

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