

2024:PHHC:148034



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+213

CRM M-46884 of 2024 (O&M)
Date of Decision: 23.10.2024

(1) Jagbir Singh ...Petitioner
Versus
State of Haryana ... Respondent

CRM M-49436 of 2024 (O&M)

(2) Vikram Kumar @ Vikram ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Navmohit Singh, Advocate, for the petitioners (in both petitions)

Ms. Sheenu Sura, DAG, Haryana.

Mr. Balraj Gujjar, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-46884-2024 titled as “Jagbir Singh Vs. State of Haryana” and CRM M-49436-2024 titled as “Vikram Kumar @ Vikram Vs. State of Haryana”, whereby, the petitioners have applied for grant of anticipatory bail under Section 482 of the BNSS in case FIR No. 163

dated 18.07.2024 under Section 7 of Prevention of Corruption Act, (Annexure P-1) registered at Police Station Rai, Sonapat.

2. The FIR in the present case was registered on the basis of the complaint filed by Neeraj son of Mahi Pal and the same has been reproduced below:-

“The Commissioner of Police Sonapat Sub: Complaint for lodging criminal case and taking necessary legal action against delinquent Police Officials (A) Jagbir Singh Head Constable, P.S. Rai District Sonapat IO in FIR 49 of 13.03.2024 u/s 6/4/20 Excise Act of P.S. Rai, District Sonapat Mob. No. 9468411164 (B) Constable-Vikram Kumar Hooda posted at PS Rai District Sonapat Mob No. 9996452739 and their associated persons. The applicant most respectfully submits as under:-

1. That a criminal case vide FIR No. 49 dated 13.03.2024 under Sections 61/4/2020 was lodged with PS Rai District Sonapat against one Harsh S/o Naseeb Chand r/o Rai District Sonapat.

2. That the Police showed the involvement of vehicle No. DL-ILAA-8154 Tempo in the commission of alleged offence.

3. That the investigation of the above mentioned case was conducted by the above named HC Jagbir Singh. The above named IO Jagbir Singh and his associate Constable Vikram Kumar Hooda threatened the applicant to falsely implicate the applicant in the above noted case on the basis of a disclosure statement of main accused Harsh by showing the applicant as owner

of said vehicle. The applicant tried to persuade the above named police officials that he is quite innocent person and has not committed any offence but the above named police officials were adamant and threatened the applicant either to pay them a gratification of Rs. 5,00,000/- otherwise they will implicate the applicant in the above noted case and other criminal cases also

4. That under the threat, pressure and instructions of the above named delinquent police officials, the applicant paid an illegal gratification of Rs. 1,80,000/- as detailed below:

(i) Rs 98,000/- through UPI dated 14.03.2024 (time 03.05 PM)

(ii) Rs. 30,000/- through UPI dated 14.03.2024 (time 06.55 PM) on Mobile No. 9996452739 of accused No. 2 Constable Vikram Kumar Hooda

(iii). Rs. 4,000/- through UPI dated 14.03.2024 Time 9:04 PM) on Mobile No. 9996432739 of accused No.2 Constable Vikram Kumar Hooda

(iv). Rs. 20,000/- through UPI dated 17.03.2024 (time 2.51 PM) on Mobile No. 9996452739 of accused No.2 Constable Vikram Kumar Hooda from Mobile No. 8684091740 of applicant, from HDFC Bank account of the applicant and also paid Rs. 28,000/- in cash on 17.3.2023 to the above named police officials. Now the applicant has come to know that the above named police officials got transferred the above said amount of Rs. 98,000/- through UPI dated 14.03.2024 (time 03:05 PM) as mentioned at Serial No. 1 above belongs to a person running his stock of building materials near

Police Station Rai District Sonapat who is favourable person of the above named accused persons.

5. That the Police has completed the investigation in the above noted case and no role of the applicant is found in the above noted case but the applicant had to pay the above said illegal gratification to the above named police officials under their threat.

6. That the above named police officials also got made a telephonic call representing that he was the SHO of P.S. Rai and offered to patch up the matter in lieu of money. The applicant is having recording of conversation as evidence to prove the above wrong and illegal acts of the accused persons, in PEN Drive.

7. That the above named delinquent police officials by misusing their official powers, extracted illegal gratification from the applicant in the shape of considerable amount of money from the applicant under threat pressure. It is, therefore, prayed that after lodging a criminal case/FIR against the above named accused persons/ delinquent police officials under the provisions of prevention of Corruption Act and Bhartiya Nyay Sanhita, 2023 necessary legal action may kindly be taken against them in the interest of justice. Any other relief which this Hon'ble Office may deem fit and proper be also passed in favour of the applicant. SD Neeraj Applicant. Neeraj s/o Mahi pal R/o village Gumana Distt. Sonapat, Mob. No. 8684091740”.

2. Learned counsel submits that petitioner Jagbir Singh (in CRM M-46884-2024) is working as Head Constable in Police Station Rai, District Sonapat and was the IO in FIR No. 49 dated 13.03.2024

under Sections 61/4/2020, which was registered against Harsh son of Naseeb Chand, driver of a tempo vehicle and Vikas @ Vicky driver of a Scorpio vehicle, who were carrying 3120 bottles of Golden Tiger whiskey without permit and licence. Neeraj, complainant, is the owner of the tempo vehicle, on the basis of GPA and had taken the vehicle on superdari. He had falsely alleged that a sum of Rs. 5 lacs was demanded from him and he had paid a sum of Rs.1,80,000/- to Vikram Kumar @ Vikram, co-accused. In fact, Vikram Kumar @ Vikram had received money through UPI and he was posted in a different Police Station in District Gurugram whereas the petitioner was posted in Police Station Rai, Sonapat. He further contends that 04 months prior to the FIR, there was a loan transaction between the complainant on one hand and real brother and sister-in-law (Bhabi), co-accused, on the other hand. The complainant had taken a sum of Rs.3,02,000/- from Vikram Singh Hooda, co-accused between 02.04.2024 to 05.05.2024. In fact, Vikram Kumar @ Vikram, co-accused is a family friend of the complainant and they belong to nearby places.

3. Learned counsel while arguing on behalf of petitioner Vikram Kumar @ Vikram (in CRM M-49436-2024), raised similar arguments. He submits that 04 months prior to the registration of the FIR, the complainant had taken a sum of Rs. 3,02,000/- from the petitioner Vikram Kumar @ Vikram between 02.04.2024 to

05.05.2024. He further contends that the petitioner was posted in District Gurugram whereas his co-accused Jagbir Singh was posted in Police Station Rai, District Sonapat and, thus, he had no reason to demand or accept bribe on behalf of Jagbir Singh, co-accused.

4. Pursuant to the notice, a status report was filed by way of an affidavit of the Assistant Commissioner of Police, Rai, Sonapat, on behalf of the respondent and the same was taken on record.

5. Learned State counsel has vehemently argued that both the petitioners are police officials and had threatened the complainant that he should either pay them gratification of Rs. 5 lacs, otherwise, they would implicate him in a criminal case. Under the pressure and instructions of both the petitioners, he had paid illegal gratification of Rs. 1,80,000/-, i.e., Rs. 98,000/- through UPI on 14.03.2024; Rs. 30,000/- through UPI on 14.03.2024; Rs. 4,000 through UPI on 14.03.2024 and Rs. 20,000/- through UPI on 17.03.2024 on mobile No. 9996452739 of Constable Vikram Kumar Hooda (petitioner) through his Mobile No. 8684091740 from his bank account with HDFC Bank. Apart from that, a sum of Rs. 28,000/- was paid in cash to both the petitioners on 17.03.2024. Still further, during the course of investigation, the call detail record of both the petitioners were obtained and taken into possession. Further, a pen drive containing audio recording was produced by the complainant, in which, Jagbir Singh (petitioner in CRM M-46884-2024) could be heard talking with

complainant Neeraj as well as with Vikram Kumar @ Vikram (petitioner in CRM M-49436 of 2024) about getting the bribe money. He further contends that the custodial interrogation of the petitioners was required to ascertain the names of other persons involved in the commission of the crime. Still further, the petitioners are police officials and had received the illegal gratification.

6. Learned counsel for the complainant also opposed the submissions made by the learned counsel for the petitioners on similar grounds and also placed on record the pen drive containing conversation between both the petitioners, Satish and Vikram as well as conversation between the complainant and Vikram Kumar @ Vikram petitioner (in CRM M-49436-2024) and the same have been reproduced below:-

CONVERSATION BETWEEN BOTH THE PETITIONERS
VIKRAM AND JAGBIR

Common conversation xxxx

Jagbir	After talking to me, I cooperated but you shared it with everyone.
Vikram	What is his involvement in this matter?
Jagbir	To whom?
Vikram	Neeraj
Jagbir	Neeraj is the main accused, bring him, get his statement recorded, get two days custody remand and put him behind bars, later, he will get bail.
Vikram	Why do you need remand?
Jagbir	Okay, no remand, I give you my word.
Vikram	Leave it as it is.
Jagbir	No, he is the main accused, this would not just go away.
Vikram	How is this person is main accused, only he is owner of the vehicle.
Jagbir	Bring him here, I will prove the disclosure is false again, I will prove that the disclosure made by Harsh is false.

Vikram

I have words with you despite that you took Rs.5,000/- from him.

Jagbir

Yes, I took the money.

Vikram

Why did you take the money from him.

Jagbir

I had told them to give Rs. 10000/- but he did not pay, its okay, whatever amount he gave.

Xxxxx

Common conversation between both

CONVERSATION BETWEEN SATISH AND PETITIONER JAGBIR

Vikram

Jai Hind Sir

Satish

Jai Hind

Vikram

Vikram here sir.

Satish

Yes, Vikram speak.

Vikram

Sir, the care is here for superdari, kindly facilitate the process.

Satish

I can't do this.

Vikram

Sir, he is my cousin brother

Satish

But he has not brought the surety.

Vikram

&Common conversation xxxxxxxxxxxx

Satish

Vikram

Sir, these documents need to be attached in Jagbir's file.

Satish

Jagbir can release it, I have no objection
Xxxxx common conversation xxxxxx

Satish

Vikram, let Jagbir arrive once.

Vikram

Ok sir.

Satish

Ok

Vikram

The money has been given equally you and Jagbir

Satish

Jagbir has received the payment

Vikram

Rs.50,000/- has been given.

Satish

Who received the Rs.50,000/-.

Vikram

Rs.50,000/- has been given to Jagbir, if he refuse (abusive language)
Xxxxx common conversation xxxx

CONVERSATION BETWEEN COMPLAINANT NEERAJ AND PETITIONER VIKRAM

Neeraj

Hello

Vikram

Hello

Neeraj

How are you, brother!

Vikram

I am fine, brother!

Neeraj

What happened?

Vikram

Nothing!

Neeraj

And!

Vikram

His call didn't come again!

Neeraj

Ok, his call didn't come again!

Vikram

No.

Neeraj

Jagbir called me, but I didn't pick the call

Vikram Why didn't you pick up the call?
Neeraj I had no involvement, I just sold the vehicle!
Vikram You are absolutely right!
Neeraj Even after paying Rs.1.5 lakhs, they are still harassing me and saying that you must be produced before the authority.

Vikram Ok
Neeraj This is unprofessional behaviour
Vikram Why are you stressing? I am with you, I didn't' so no.
Neeraj No.
Vikram Even I would not step back, you're my brother, why are you worried.
Neeraj ok.
 Xxxx common conversations.

7. I have heard rival submissions made by learned counsel for the parties and perused the record carefully.

8. In the present case, both the petitioners have been specifically named by the complainant and even there is *prima-facie* evidence to show that the illegal gratification had been received by them. Even, a sum of Rs. 1,80,000/- was paid by the complainant to Vikram Kumar @ Vikram, petitioner and there were call details between both the petitioners. Even, from the above referred conversation between both the petitioners and their conversation with the complainant, it stands established that both the petitioners were hand in glove with each other and had pressurized the complainant to pay the bribe money to them.

9. Thus, keeping in view the gravity of the allegations, the petitioners are not entitled to the equitable relief of anticipatory bail. Apart from that, the custodial interrogation of both the petitioners is required for the recovery of Rs. 1,80,000/- received from the

complainant as well as for the recovery of the mobile phone used in the offence. Apart from that, the police may obtain their voice sample and may also inquire about the involvement of other police officials in the present case.

- 10. Finding no merits, both the petitions are ordered to be dismissed.
- 11. CRM 41395 of 2024 stands disposed off, accordingly.

23.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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