



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-52852-2024
Date of decision: October 23rd, 2024

Sanjeev Kumar
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.P.S. Mann, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.17 dated 14.08.2024 under Sections 7 of Prevention of Corruption Act, 1988 (as amended by Prevention of Corruption (Amendment Act, 2018), Sections 384, 120-B of the IPC, registered at Police Station Vigilance Bureau, Range Jalandhar, District Jalandhar.

2. Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the instant case, for allegedly extorting a bribe of ₹10,000/- from the complainant. Drawing the Court's attention to the FIR annexed as Annexure P-1, learned counsel submits that a plain reading of the FIR clearly indicates that the essential elements of the alleged offences are not made out against the petitioner. It is further argued that, according to the complainant's own version, the demand for the bribe was made by the co-accused, Jatinder Pal Singh.

Learned counsel further argues that the petitioner, being a Class IV

**CRM-M-52852-2024****-2-**

employee lacked the authority to summon the complainant, issue any notices or take any action against him. On the date of the alleged incident, the petitioner was merely serving as a Peon and, therefore, had no occasion to demand any bribe from the complainant. Additionally, learned counsel asserts that the petitioner, by virtue of his position of being just a Peon, was incapable of causing any harm to the complainant; he was not competent to summon or issue notices to the complainant or recommend any action against him, as he was not even authorized to handle any official files or matters.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR, which stands annexed as Annexure P-1.

4. The FIR in question was lodged against the petitioner and his co-accused, Jatinder Pal Singh, based on allegations made by the complainant. As per the allegations, co-accused Jatinder Pal Singh, an Inspector, demanded a bribe of ₹45,000/- from the complainant through his Chartered Accountant Sumit Kumar Gupta, after one of the receipts from the shop of the complainant was found to be *illegal (katcha bill)*. The bribe was subsequently negotiated to ₹30,000/-, facilitated by the petitioner on 03.06.2024.

5. Furthermore, as per the allegations levelled in the FIR on 04.06.2024, co-accused Jatinder Pal Singh received ₹10,000/- out of the agreed bribe amount of ₹30,000/- through his associate, i.e. petitioner. Allegedly out of this sum ₹2,000/- was given to the petitioner while ₹8000/- was retained by co-accused Jatinder Pal Singh.



CRM-M-52852-2024

-3-

6. *Prima facie*, the FIR contains specific allegations against the petitioner, who comes across as an active participant in the bride transaction. Furthermore, the FIR reveals that the petitioner, while serving as a Clerk and associate to co-accused Inspector Jatinder Pal Singh, allegedly facilitated the payment of bribe and transferred ₹8,000/- out of the received amount to co-accused Jatinder Pal Singh. In view of the allegations levelled against the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to him

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No