

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-61259-2023
Reserved on: 09.01.2024
Pronounced on: 19.01.2024

Malvinder Singh Sidhu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. B.N.S. Marok, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
28	30.10.2023	Vigilance Bureau, FS-1, Punjab at Mohali	7, 7A of PC Act and 384, 419, 420, 120-B IPC

1. The petitioner, who was posted as AIG, after arrest, is in custody from 25.10.2023, in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.

2. In paragraph 16 of the bail application, the accused declares the following criminal antecedent:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	117	25.10.2023	353 and 186 IPC	Phase-VIII, SAS Nagar (Mohali)

3. Petitioner's counsel prays for bail by imposing any stringent conditions including declaration of assets by the petitioner and family members, and are also voluntarily agreeable to the condition that till the conclusion of the trial, the petitioner shall keep only one mobile number, which is mentioned in AADHAR card, if any, and within fifteen days undertakes to disconnect all other mobile numbers. The petitioner contends that the further pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. The state's counsel opposes the bail and states that considering the allegations, the petitioner is not entitled to any bail. The State's counsel further contends that given the criminal past, the accused is likely to indulge in crime again once released on bail.

5. Facts of the case are being taken from status report dated 10.12.2023 filed by concerned DySP which reads as under:-

"2. That at the initial stage a Source Report No. 37627 dated 06.09.2023 was received by the Vigilance Bureau, SAS Nagar, Mohali and on the basis of the same an Enquiry No. 15 dated 06.09.2023 was initiated by the Flying Squad-1, Vigilance Bureau. That as per the allegations in the source report it was alleged that 1) Malvinder Singh Sidhu (the present Petitioner) 2) Kuldeep Singh, 3) Balbir Singh, in connivance with each other are procuring Schedule Caste/Schedule Tribe certificate(s) of various individuals, from different sources like their School, Work Place etc. That further, on the basis of this they are illegally, unlawfully extracting/asking for money from these innocent individuals by blackmailing them after misusing their position/official posts. That on the other hand there were allegations against the petitioner that he has misused his official position and has brought/made assets which are more than his income. Thus, on such serious allegations, the Enquiry No. 15 was initiated and the same was marked to Deputy Superintendent of Police, Vigilance Bureau, Flying Squad-1, Punjab, Sh. Barinder Singh Gill (i.e. Respondent No. 3).

3. That during the course of Enquiry No. 15, the Petitioner as well as the other individuals were summoned and were directed to appear before the Enquiry Officer i.e. Deputy Superintendent of Police, Vigilance Bureau, Flying Squad-1, Punjab. That the Petitioner chose to appear at the initial stage as per his own convenience and conditions. That ultimately when he appeared before the Enquiry Officer on 25.10.2023, then he misbehaved during the enquiry and obstructed the officials from performing their duty and thus FIR No. 117 dated 25.10.2023 under Section 353 and 186 IPC, Police Station Phase VIII, SAS Nagar, Mohali was registered against the present Petitioner.

That on the other hand the other individuals namely Kuldeep Singh, Balbir Singh were also summoned simultaneously however, they chose not appear during the course of enquiry.

ROLE AND CONDUCT OF PETITIONER:-

4. That during the enquiry Sh. Malvinder Singh, AIG, Human Rights, Punjab, Chandigarh was called by way of summon(s) having no.2552 dated 26.09.2023, thus he came on 29.09.2023 before the inquiry officer and submitted his written submissions to which he requested to be treated as his statement. However, the said written submissions were totally vague, irrelevant and without any basis due to which the same could not be accepted. Therefore the petitioner chose to write his comments on the said documents whereby he has objected to the acceptance of the said written submission. The bare reading of the objections made by the petitioner on 29.09.2023, in itself shows that the petitioner did not cooperated with the inquiry officer and tried to steering the investigation as per his own wish. The petitioner tried to explain the

details of his assets by saying that already income tax inquiry was pending, however the present enquiry in question was by a different agency being conducted in a independent manner. This in itself shows the conduct as well as the non-cooperation of the petitioner during the course of enquiry with the vigilance bureau. The copy of the written submissions as well as the Objections dated 29.09.2023 is attached as Annexure R-1.

That further the petitioner has sent the document through speed post which have been taken on record and have been considered during the enquiry. However, the said statement was not at all satisfactory. Infact the petitioner never gave a fair and proper appearance before the enquiry officer and did not get recorded any proper statement.

Thus, in this regard summons vide letter no.2798 dated 03.10.2023 was sent to him for 06.10.2023, however, he failed to appear, therefore again summon vide letter no.2903 dated 07.10.2023 was sent to him for 10.10.2023 and again he did not appear. Therefore, the ADGP (Human Right Commission) Punjab was sent a letter no.2732 dated 13.10.2023 from the office of AIG, Vigilance Bureau (Flying Squad) Punjab, with a request to make AIG Malvinder Singh appear on 18.10.2023. However, he again chose not to appear before the enquiry officer."

6. Counsel for the petitioner submits that he has been falsely implicated and he is in custody for 2 ½ months. There would be no justification for pre-trial incarceration. He on instructions further submits that petitioner is ready and willing to abide by any stringent condition which this Court may put.

7. State counsel opposes the bail primarily on the ground that petitioner was posted as AIG (Headquarters). He is a senior PPS Officer. In case this Court release him on bail, he will certainly interfere with the investigation and tamper with the evidence. One of the co-accused is yet to be arrested and in case he is released on bail, he would further delay such arrest.

8. State counsel has referred to paras no.12 to 16 of the reply which reads as under:-

"12. That during the course of investigation statement of 1) Pardeep Singh, 2) Jaswinder Singh, 3) Harpal Singh, 4) Gurjot Singh, 5) Daljit Singh, 6) Gurpeet Singh, 7) Varinder Singh, 8) Jagdish Singh, 9) Mahesh Chander, 10) Harpal Singh 11) Sukhtiar Singh, 12) Manjit Kaur, 13) Archana Mahajan, 14) Harinder Kaur, 15) Jaspal Kumar, 16) Piara Singh, 17) Preet Singh, 18) Swarn Singh, 19) Jaswant Singh have been recorded.

13. That during the course of investigation the statement under Section 161 Cr.P.C. of Jaswant Singh, Clerk of Govt. Women college, Patiala resident of village Alampur, District Patiala has been recorded as per which he was blackmailed by accused Balbir Singh in regard to his Schedule Caste Certificate and therefore on 27.09.2023 he ultimately paid an amount of Rs. 15,000/- to Balbir Singh in an envelope with a name

"Malvinder Singh AIG" (present petitioner) written on it. Infact Malvinder Singh AIG was present at the spot when the payment of Rs. 15,000/- was given as bribe. The copy of the statement of Jaswant Singh is attached as Annexure R-6/T. The copy of the CDR/location analysis showing the location of all the involved individuals is attached as Annexure R-7.

14. That it is pertinent to mention here that the CDR/locations of Malvinder Singh Sidhu along with the other co-accused has come on record of various places showing their presence together which proves that they were hand in glove and conniving with each other to execute the offence by blackmailing various individuals on the basis of their Caste Certificates.

15. That the presence of the petitioner at various places like the Senior Secondary School, Village Ghanaur, District Patiala thor scrutiny of the Schedule Caste Certificate of Santokh Singh, Gurnam Singh, Satwant Kaur clearly shows that the petitioner was into the illegal act of blackmailing innocent individuals. This fact is proved when corroborated with the email sent from the Email ID of the petitioner mssidhu92@gmail.com to gsss.patiala.ghanour@gmail.com whereby he has demanded the copy of the admission record of these individuals. That the location of the petitioner when analyzed came to be of village Ghanour, Rajpura on various occasions. The copy of the email procured from the school is attached herewith as Annexure R-8. The copy of the CDR analysis in form of chart showing the entries of village Ghanaur and Rajpura is already attached as Annexure R-7. (also refer to Annexure R-3 i.e. statement of Jagdish)

16. That after the registration of FIR the statement of Archana Mahajan, District Education Office, Elementary Education, Patiala, under Section 161 Cr.P.C was recorded and it has come on record that the petitioner Malvinder Singh personated himself as Inspector General of Police, Vigilance and asked for the Caste Certificate record of one Daljit Singh from the Block Primary Education Officer, Rajpura, this in itself shows that present petitioner had intention and mens-rea to commit and offence by blackmailing the individuals after procuring the record of their caste. The statement of Archana Mahajan dated 14.11.2023 is attached as Annexure R-9/T. The copy of the CDR analysis report showing that Malvinder Singh (present petitioner) called Archana Mahajan is already inth chees as Annexure R-7. (kindly refer to Annexure R-2 i.e. statement of Varinder which corroborates with the statement of Arhana Mahajan Annexure R-9)."

9. On this, counsel for the petitioner submits on instructions that this Court cannot wait indefinitely for the arrest of an absconder and further he undertakes that the petitioner shall not tamper with the evidence or hamper the investigation. In addition to this, counsel for the petitioner submits that the petitioner is an honest officer and to prove his honesty, he would voluntarily declare his assets as well as his spouse on a format which this Court prescribed and to enable him to do so, he be atleast released on

interim bail.

10. Petitioner’s response to the allegations has been mentioned in detail in his bail petition and it would be apt to extract the same which reads as follows:-

ALLEGATION	COUNTER-ARGUMENT
1. Malvinder Singh Sidhu impersonated as IG Vigilance and acquired Service Book record of Head Master Daljit Singh from Data Operator, Varinder Singh, Block Primary Education Officer, Rajpura and even took a screenshot of the same.	The record was acquired by Dalit Activist Balbir Singh Alampur by submitting an application duly attested by Data Operator, Varinder Singh, Block Primary Education Officer, Rajpura on 14.08.2023. The service book record of Head Master Daljeet Singh so acquired is also attested.
2. Malvinder Singh Sidhu sent e-mail to Govt. Senior Secondary School, Ghanaur to acquire record of Smt. Satwant Kaur D/o Kartar Singh. Further Kuldeep Singh	Yes, Malvinder Singh Sidhu did send e- mail and got reply on 03.12.2022 with his actual designation of AIG Human Rights and not by impersonating as IG Vigilance. It was after duly taking permission from Satwant Kaur. She also authorised her brother Kuldeep Singh to get physical hard copy of her school record on 08.12.2022. She gave an affidavit for the same on 07.11.2023 also.
3. AIG Malvinder Singh Sidhu failed to get verification signature of Principal on school records of Satwant Kaur, Gurnam Singh, Santokh Singh and Kuldeep Singh.	It is pertinent to mention that in CWP 6944, Hon'ble Punjab and Haryana High Court directed Punjab Police to verify fake SC Caste Certificate of ICAS Officer Harprit K. Singh who is nephew of Kuldeep Singh and Son-in-law of Malvinder Singh Sidhu. In the investigation itself, school records of Gurnam Singh and Santokh Singh were acquired by SP PBI and these records mention their caste as Sikh Rajput whereas they blatantly lied in Hon'ble Supreme Court that they are SC Ramdasi in SLP 20167-20169 of 2022. Thus, entire story is cooked up.
4. Regarding Jaswinder Singh ADO whose record was refused through RTI and still acquired by Malvinder Singh Sidhu and Balbir Singh. Bribe allegation of Rs. 3 Lakhs, 1.5 Lakhs and Rs. 2 Lakhs to take complaint back.	Jaswinder Singh ADO's record solely acquired by Balbir Singh Alampur through RTI. RTI was refused after which he re- appealed and got requisite information through State Information Commission Complaint made to Social Justice Department was never withdrawn. Jaswinder Singh ADO's fake SC Certificate was cancelled on 25.08.2023 by Social Justice Department. Further, NO date, time, location of when

	money paid. Frivolous bogus statement of already tainted individual used as evidence.
5. Threat to Department of Social Justice and other whistleblowers like Pawan Kumar etc.	Vigilance Bureau trying to go after all whistleblowers who exposed fake SC Caste Certificates of other govt. employees. Pawan Kumar exposed fake SC Certificate of IRS Officer Sh. Narinderpal Singh from Patiala. Addl. Chief Secretary, Deptt. Of Social Justice Ramesh Kumar Ganta IAS in CWP 1084 of 2023 in Hon'ble High Court dated 09.08.2023 submitted affidavit that SC Certificate of Narinderpal Singh IRS is bogus and recommended for it to be confiscated.
6. Pardeep Singh S/o Kuldeep Singh R/o Alampur Balbir Singh used his account to get money from various persons for withdrawing complaints.	Pardeep Singh's father and mother are specially abled. Consequently, Pardeep Singh is also differently abled from mainstream population. Pardeep Singh was helper/caretaker of Balbir Singh and used to look after his cattle. He was paid by good Samaritans on Balbir's behalf since Balbir himself was not capable of paying him. It was done for recognition of Balbir Singh's fight against anti-dalit forces. Petitioner has even otherwise nothing to do with Pardeep Singh or Balbir Singh.
7. Harpal Singh S/o Gurnam Singh R/o Village Alampur was taken along by Malvinder Singh Sidhu and Balbir Singh to get record on 27.09.2023	Vigilance Bureau scared him into submission to give false statements since he already gave affidavit against them on 08.09.2023 and did interview on Ep. 303 dated 19.09.2023 of Punjab Dastavez News Channel citing threat from Vigilance Bureau.
8. Bhag Singh	There are 2 Bhag Singh who are involved. One is Bhag Singh S/o Kashmir Singh. His fake SC Certificate was cancelled on complaint of Balbir Singh Alampur whose Public Notice was issued last year. 2nd Bhag Singh is husband of Ravinder Kaur, Principal, S.C.Sec. School, Ludhiana. Balbir complained against her fake SC Certificate and her certificate was found to be fake. Her husband Bhag Singh may have given statement to Vigilance Bureau in Revenge.

9. Gurjot Singh, Ashok Kumar, Daljeet Singh	Balbir Singh got Gurjot Singh's Taya (Paternal Uncle) Jagdish Singh S/o Sardara Singh's fake SC Caste Certificate Cancelled, that's why in revenge, he made statements before Vigilance Bureau since his own fake SC Caste Certificate would also be cancelled consequently. Entire Story is cooked up that Balbir got complaint against Gurjot Singh through Ashok Kumar.
10. Record of Daljeet Singh acquired by Balbir Singh Alampur and Malvinder Singh Sidhu. Refused on 14.08.2023 by Data Entry operator Varinder Singh, still acquired by Balbir Singh.	1. Balbir Singh Alampur, Dalit Activist got record service book record of Head Master Daljeet Singh S/o Swaran Singh through written application signed and attested by Varinder Singh, Data Entry Operator, Rajpura. Daljeet Singh Head Master prepared fake SC Certificate with help of SI Ranjeet Singh who is his real brother. SI Ranjeet Singh S/o Swaran Singh is Chahca of Harprit K. Singh ICAS Officer (Fake SC Certificate holder and Son-in-law of AIG Malvinder Singh Sidhu). SI Ranjeet Singh is reader of AIG Manmohan Sharma, Flying Squad, Vigilance Bureau. 2. Constable Swaran Singh is father of SI Ranjeet Singh and Head Master Daljeet Singh and was killed by terrorists in 1991 and according to FIR 165, Police Station Sadr, Patiala dated 03.06.1991 by his brother Mohinder Singh S/o Bahal Singh shows their caste to be Rajput.
11. Sukhtiar Singh lecturer Govt. Senior Secondary School refused to pay Rs. 1 Lakh to Balbir and thus, complaint made against him in January 2023.	His Certificate was cancelled 17 years ago, and yet he continued on his job. Balbir Singh made complaints regarding this injustice and subsequently, after investigation, his Certificate was finally cancelled for good on 18.08.2023. Petitioner has no connection with him at all.
12. Piara Singh JE, Balbir Singh demanded money from him and he refused.	Balbir Singh not only complained against him but has pending litigation with him dated 17.08.2021 in Hon'ble Punjab and Haryana High Court filed by Balbir Singh against fake SC Caste Certificate holders.
13. Preet Singh ETT, Balbir asked Rs. 50,000 for withdrawing complaint against him and 16 other teachers.	Balbir never made complaints against the claimed 16 teachers and informed the same through written application/communication to Department Social Justice, Empowerment and Minorities that he never made complaints against them and that fraudulent people may try to impersonate him to trap him in a fake case.

	Petitioner has no connection with this allegation.
14. Jaswant Singh Clerk, Govt. Women College, Patiala, said Balbir Singh demanded Rs. 1 Lakh, paid Rs. 15000 on 27.09.2023	He is relative of Bhag Singh S/o Kashmir Singh and his certificate was cancelled on 18.09.2023. Public Notice mentioning his name @Sr.No. 7 attached.

11. An analysis of the pleadings and arguments would lead to the following outcome. The prosecution has recorded statement of one Jaswant Singh- Clerk of Government College in which he stated that he was blackmailed by Balbir Singh and took Rs.15,000/- in an envelope which had name ‘Malvinder Singh AIG’ written on it and Malvinder Singh AIG was present at the spot when he had given the bribe. CDR location of petitioner was found present with co-accused on the place showing their presence which would *prima facie* point out towards the evidence that he was blackmailing the individuals on coming to know that they had obtained benefits because of the fake caste certificates. His presence at various places where the persons who had obtained jobs by procuring fake caste certificate *prima facie* connects him with the act of blackmailing. On this ground alone, the petitioner is not entitled to bail.

12. Another reason to disallow the bail is the evidence from Archana Mahajan, District Education Officer who stated that the petitioner had impersonated and showed himself as Inspector General of Police and had asked for caste certificate record of one Daljit Singh from Block Primary Education Officer, Rajpura. The very fact of petitioner who was posted as AIG referring himself as IGP, Vigilance would show malafide intention which would not entitle him to bail. In addition to rejection on merits, the petitioner’s custody is around 2 ½ months which is also not long which would entitle him to bail on the ground of prolonged pre-trial incarceration.

13. Given above, **the petition is dismissed**. Liberty reserved to file fresh petition after filing of police report and annexing the relevant record, with the petition itself. All pending applications, if any also stands disposed of.

(ANOOP CHITKARA)
JUDGE

19.01.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.