

CRM-M-64712-2023
Decided on: 15.01.2024

Gurdhiyan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
07	03.06.2021	Vigilance Bureau, Flying Squad-1, District Mohali	419 & 384 IPC (Section 120-B IPC and 8 of PC Act added later on)

1. Challenging the order of framing charges and dismissing of the application for discharge in the above captioned FIR, the accused has come up before this Court by filing the present petition under Section 482 CrPC.
2. I have earlier heard counsel Mr. P.S. Ahluwalia on two occasions. He handed over one video claiming that the complainant, Dharam Pal Singh (Patwari), had demanded money from the petitioner, and the petitioner’s father recorded the incident.The petitioner’s counsel had pointed out that the complainant was a Sikh gentleman with a red turban and white shirt, and the faces of the petitioner and petitioner’s father are not visible in the video. This was to enable the Court to identify the recipient of the bribe.
3. I have watched the said video on my law researcher's digital device. I have also heard counsel for the petitioner to find out whether the case is worthy of issuance of notice or not and also to find out whether there is prima facie any illegality in the order of framing of charges. I have also gone through the petition and the synopsis handed over by the petitioner’s counsel.
4. The present case traces its origin to the petitioner and his father's alleged payment

of bribe to the complainant Dharam Pal Singh Patwari on 01.06.2021. The petitioner’s

father had gone to the office of complainant Dharam Pal Singh Patwari, and as per the video, it is clear that initially, along with a copy of the sale deed, they had handed over one currency note of Rs. 500/-. Before that, it was explicitly clear that the complainant, Dharam Pal Singh Patwari, had not demanded the money. A transcript of a conversation between the two has been extracted in the synopsis given by the petitioner, which reads as follows: -

“Co-accused: How much money should we give you?

Complainant: Give how much ever you want.

Co-accused: gives Rs.500/-.

Complainant: Give Rs.1,000/-.

Co-accused: Rs. 1,000/-? Won't Rs.500/- work?

Complainant: You know now.”

5. After a simple reading of the transcript and watching the video, it is clear that the complainant, Dharam Pal Singh Patwari, initially did not demand any money. However, he was happy with Rs.500/-; after that, he desired Rs.1,000/- and then they gave him Rs.1,000/-. The petitioner and his father's intention were not related to their work, but the intention and idea was to record the video and extract money from the complainant Dharam Pal Singh Patwari, probably knowing that Patwaris have a reputation for being dishonest. After that, they told the complainant that they had recorded a video in which he took Rs.1,000/- from them and asked him to pay the extortion/ransom money.

6. The complainant's case is that when demanding money, the petitioner had revealed that he was the Inspector of Vigilance, and his brother-in-law was SHO. This was to scare the complainant Patwari into handing over money to them, and he demanded Rs.5 lacs. After that, as per the complainant himself, he had requested the petitioner that he can arrange Rs.60/70,000/-, which indirectly points towards the fact that the complainant knew that he had taken Rs.1,000/- in all, which he was legally not supposed to take. But when entering such a settlement, the complainant also recorded a video in which the petitioner demanded money. Thus, two videos were recorded, first by the petitioner and his father, in which they had handed over initially Rs.500/- and later on Rs.500/- more and in all Rs.1,000/- to the complainant, Dharam Pal Singh. The second video was recorded by the complainant in which he told the petitioner and his father not to blackmail him and to agree with Rs.60-70,000/-. After that, the complainant informed the police, and the trap was laid. The petitioner was arrested red-handed while accepting Rs.50,000/-. After completion of the investigation, the prosecution filed a report under Section 173 CrPC. The petitioner applied for discharge, claiming that Patwari himself was an accused and that perusal of Section 8 of the Prevention of Corruption Act did not apply.

7. Ld. Sessions Judge, while passing the impugned order, rightly observed that any person who gives a bribe to a public servant commits an offence punishable under Section 8 of the PC Act. In the present case, initially, the petitioner and his father had voluntarily given Rs.500/- to the complainant, who was working as Patwari and had the authority to enter mutation. Thus, prima facie evidence under Section 8 of the PC Act is made out. Petitioner was arrested red-handed while accepting extorted money of Rs.50,000/-. The order passed by the trial Court is well-reasoned, and there is no illegality.

8. Given above, this is not a case of issuance of notice and there is no illegality in the order dated 29.11.2023 passed by the Additional Sessions Judge, SAS Nagar, Mohali. **Petition is dismissed.** Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.01.2024

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Whether speaking/reasoned: Yes

Whether reportable: **YES.**