



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-59972-2024

Date of decision: 18.12.2024

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.24 dated 08.11.2024 under Sections 7 of the Prevention of Corruption Act, 1988 as amended by P.C. (Amendment) Act, 2018 and Section 61(2) of the BNS-2023, registered at Police Station Vigilance Bureau Range, Jalandhar.

2. Reply by way of affidavit of Munish Kumar, PPS, Deputy Superintendent of Police, Vigilance Bureau Unit, Hoshiarpur, and transcript of audio recordings between the petitioner and co-accused Alka have been filed in the Court today which are taken on record subject to all just exceptions. Copies of the same have been supplied to the counsel opposite.

3. As per the case of the prosecution, the petitioner while serving as Assistant Labour Commissioner, allegedly demanded illegal gratification amounting to Rs.30,000/-. A trap was laid leading to the apprehension of co-accused Alka, Computer Operator, with the tainted



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money. It is the case of the petitioner that there is no material evidence implicating him in the alleged offence.

4. Learned senior counsel for the petitioner has contended that even as per the admitted case of the prosecution, the demand for the bribe was made by co-accused Alka and not by the petitioner. Further, the audio recordings which have been placed on record by the learned State counsel pertain to conversations between co-accused Alka and the complainant, and not between the petitioner and the complainant. It has still further been asserted that during the trap, it was co-accused Alka who was apprehended with the tainted money, further negating any direct involvement of the petitioner. While referring to the transcript of the telephonic conversation between the petitioner and co-accused Alka, which has been filed in the Court today, it has been asserted that it merely contains ambiguous references, including a query about a 'date', which cannot reasonably be construed as evidence of bribery. Still further, learned senior counsel has argued that the disclosure statement of co-accused Alka, which holds negligible evidentiary value, there is no incriminating material to justify the petitioner's implication in the present case. A prayer has, therefore, been made that in the given facts and circumstances, the petitioner be extended the concession of anticipatory bail as he is willing to cooperate with the investigation, and further, no recovery of any kind is to be effected from him.

5. Learned State counsel, on the other hand, has vehemently opposed the prayer and submissions made by the learned senior counsel

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for the petitioner. It has been submitted by the learned State counsel that the complainant had made specific allegations in the FIR annexed as Annexure P-1, stating that the demand of bribe had originated in the office of the petitioner through co-accused Alka, who too was working in the same office; the complainant was thereafter called to the office of the petitioner, where co-accused Alka conveyed that failure to comply with the demand would result in imposition of a heavy fine in respect of a notice which had been sent by the office of Assistant Labour Commissioner regarding some renovation which had been carried out by the complainant in his jewellery shop. Subsequently, the complainant was taken to the office of the petitioner, where the demand was allegedly reiterated. It has been asserted by the learned State counsel that the trap operation corroborates the allegations, as co-accused Alka was caught red handed with the bribe money. Furthermore, audio recordings and their transcripts which have been placed on record in the Court further establish that both the petitioner and the co-accused Alka were working in tandem with each other. In one recording, co-accused Alka can be heard asking the complainant to bring the bribe amount. In another, co-accused Alka is heard informing the petitioner that the complainant had brought Rs.30,000/-. Learned State counsel has argued that the role of the petitioner as Assistant Labour Commissioner, and the subsequent demand of illegal gratification, clearly demonstrates abuse of office and necessitates his custodial interrogation.

6. I have heard learned counsel for the parties and perused the



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relevant material on record, including the transcripts of the audio recordings.

7. The allegations against the petitioner are specific and serious. The statement made by the complainant while lodging the FIR in question, the sequence of events leading to the trap operation, and the corroborative evidence in the form of audio recordings, collectively indicate a *prima facie* case against the petitioner.

8. The audio recordings when read in conjunction with the allegations levelled by the complainant and the context of the trap operation, *prima facie*, suggest that the role of the petitioner extends beyond mere association with co-accused Alka. The petitioner while serving as Assistant Labour Commissioner is alleged to have demanded illegal gratification in connection with official duties, which underscores the gravity of the offence. This Court, therefore, concurs with the prayer made by the counsel for the State for dismissal of the instant petition as the custodial interrogation of the petitioner would be necessitated to uncover the extent of his involvement and the nexus, if any, between the petitioner and co-accused Alka. The instant petition stands dismissed accordingly.

9. 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.

18.12.2024

(MANJARI NEHRU KAUL)

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JUDGE

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