

2025:PHHC:047160



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-4864 of 2025

Date of Decision: 07.04.2025

Ajay

...Petitioner

Versus

State of Haryana

... Respondent

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

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Harshijit Singh, Advocate and
Mr. Dhruv Trehan, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana with
Mr. Anil Kumar, SP, HPS, ACB, Hisar and
Mr. Davender Nain, DSP, HPS.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate,
Mr. Hardeep, Advocate and
Mr. Rupender Singh, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita with a prayer to grant anticipatory bail to him in case FIR No.20 dated 24.10.2024 registered under Sections 7 and 7-A of the Prevention of Corruption Act, 1988 (as amended by Act of 2018), (hereinafter to be referred as

the PC Act') and Sections 127(2), 140(3), 308(2) and 61 of the Bhartiya Nyaya Sanhita, 2023 at Police Station ACB Hisar, District Hisar.

2. The FIR in the present case was registered on the basis of the statement made by Aman son of Ramkesh and the same has been reproduced below:-

"Sir, it is requested that I, Aman son of Sh. Ramkesh am the resident of Litani, Uklana. Alongwith agriculture, also do private work. On 10.10.2024, I was going from my house in my I-20 car having temporary number towards our petrol pump. About 1/2 KM behind my pump, a vehicle of CIA-II Staff, Hissar stopped in front of my car. They came down from the car and came near car and asked me to come out of the car. When I asked as to who are you. They told me as CIA staff and made, me to come out of the car and sit on the rear seat of my car and they took me to Litani turning in my car and after parking the car on the side, made me to come of the car and sit in the staff car and my car was taken away by 2 employees of CIA-II staff Hissar. In staff of car, there were also 2 staff employees. They took me to Mela Kothi, CIA-II, Hisar. Thereafter, they made me to sit for 1-1½ hours and thereafter 2 employees, who were from CIA-II, took my car in CIA-II. They interrogated me and said that a case would be registered against you in the matter of Raja Gujjar and Vikram Ladwa and implicate your name in illegal weapons and illegal possession and by registering the case against you, would get your property attached. I told about my innocence. Then they removed

my clothes and tied me with the chair and threatened and scared me. The staff members were talking with each other with the name of Ajay and Kapil Sihag. I can identify those four persons upon producing before me. Thereafter I was taken to the Incharge Inspector. Then Inspector told about implicating in the case of Raja Gujjar and said that a property of ten crores has been taken and pump has also been taken. Thereafter, I was made to sit in a room and after sometime Richhpal and Ramesh Dhaka came. They came to me and asked to get me released by giving bribe. Then I asked my uncle Richhpal and Ramesh Dhaka for resolving this by giving bribe so that the reputation may not be tarnished. Thereafter 2-3 times, my uncle went in and came out. Then he told me that Kapil Sihag, CIA-II Incharge is demanding Rs.30 lacs. I said that I have not committed any murder, that I would give this much amount. But my uncle and staff members finalized for releasing me for a sum of Rs.17 lacs 50 thousand and before releasing me, they got my signatures on blank papers and asked to give the amount of bribe within 6-7 days and also threatened me to register false case, upon not giving the money. 6-7 days ago, Rs.2 lacs were given to my uncle Richhpal, which my uncle gave by going inside CIA-II Hissar, in my presence. Now uncle Richhpal and Ramesh Dhaka are demanding another Rs.15 lacs 50 thousand. They are saying that we have committed with Kapil Sihag, CIA-II. If you would not give the money, then my uncle Richhpal said that I would give. Now at the instance of both of them, I have made the arrangement of Rs.5 lacs 80 thousand. I would give this amount to Richhpal and

Richhpal would give this amount to CIA-II Hissar, Incharge Kapil Sihag and his colleague staff. I do not want to give this amount of bribe to Richhpal and his accomplice Ramesh Dhaka. But they are putting pressure on me repeatedly for giving the money. I have the audio and video recording of Richhpal and his accomplice Ramesh Dhaka, which would produce later on. Legal action be taken against all of them. Sd/- Aman son of Ramkesh, Village Litani, Tehsil Uklana, mobile No.9029890000, 9170344000”.

3. Learned senior counsel appearing on behalf of the petitioner vehemently argued that there was no material on record to show that the petitioner had ever demanded or accepted any bribe amount. Even, the petitioner was not posted at CIA Staff, Hisar, District Hisar and has been involved in the present case only on the basis of suspicion. He further contended that the complainant had approached the Anti Corruption Bureau after 14 days of the alleged demand of bribe was made firstly and this delay in reporting the matter to the police itself makes the case of the prosecution suspicious. Even, the complainant himself was guilty of serious misconduct as he had admitted that he had paid money to his uncle to pay the bribe. Rather, a perusal of the facts of the case, it is apparent that the complainant was trying to settle some scores with his uncle and in order to save himself from a criminal case, he resorted to filing of a false complaint against the petitioner and others. He further contended that the petitioner had never contacted Richhpal,

co-accused and rather Richhpal had made calls to him. Apart from that, there was no material on record, except the disclosure statements suffered by the co-accused to connect him with the commission of crime in any manner. Still further, the petitioner never demanded or accepted any bribe and is being wrongly prosecuted for commission of offences under Sections 7 and 7-A of the PC Act.

4. On the other hand, learned State counsel vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel submitted that the petitioner and his co-accused had forcibly abducted the complainant and brought him to CIA-II, Hisar. Even, they extended a threat to the complainant to implicate him in false cases of Raja Gujar and Vikram Ladwa and for keeping illegal weapons. They even removed the clothes of the complainant and tied him a chair. The officials of CIA Staff were addressing each other by calling the names of Ajay and Kapil Sihag. Thereafter, he was brought before the Incharge, who also threatened him to involve in a false case. Richhpal, uncle of the petitioner talked to CIA officials and he was informed that Kapil Sihag CIA-II, Incharge demanded a sum of Rs.30,00,000/-. The police officials obtained the signatures of the complainant on the blank papers and asked him to pay the bribe money within 6/7 days, otherwise, he would be falsely involved. The amount of bribe was paid and an additional amount of bribe was also demanded. Learned State counsel further submitted that Richhpal, co-accused had taken the bribe

money on behalf of the police officials and he was caught red handed and the bribe amount of Rs. 5,80,000/- was recovered from his possession. Richhpal, co-accused suffered a disclosure statement disclosing that on 11.10.2024 out of Rs.2,00,000/- given by the complainant to him, he had given a sum of Rs.1,50,000/- to present petitioner outside the CIA Staff-II, Hisar. Richhpal, co-accused also admitted during investigation that on 22.10.2024, he had paid an amount of Rs. 10,00,000/- to the petitioner near Matka Chowk, Hisar. Learned State counsel further submitted that during the course of investigation, call details of mobile phone numbers of the petitioner, Richhpal and Ramesh Dhaka, both the co-accused were secured and it has been found that the petitioner was known to both the co-accused and they had pressurized the complainant to pay the bribe. Even, the mobile phone location of the petitioner was found with his co-accused. Learned State counsel further submitted that the petitioner, who is a police official, is involved in two following more criminal cases:-

“1. Case FIR No. 303 dated 20.05.2022 u/s 506 IPC PS, City Bhiwani (pending trial)

2. Case FIR No. 517 dated 05.12.2017 u/s 147, 148, 323, 427, 452, 307 IPC and 25-54-59 Arms Act PS, Sadar Bhiwani (petitioner already convicted)”.

Thus, the petitioner is involved in a serious crime and his custodial interrogation was required. Apart from that, the petitioner is an influential person and is in a position to intimidate and influence

the prosecution witnesses. Thus, the present petition deserves to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. In the matter of ***Manoj Narula v. Union of India, (2014) 9 SCC 1***, the Hon'ble Supreme Court held that corruption erodes the fundamental tenets of the rule of law and quoted the law laid down in the judgment of ***Niranjan Hemchandra Sashittal v. State of Maharashtra, (2013) 4 SCC 642*** and held as under:-

“16.....‘26. It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance.”

(Emphasis supplied)

7. In ***Subramanian Swamy v. Director, Central Bureau of Investigation, (2014) 8 SCC 682***, the Hon'ble Apex Court observed as under:-

“17 Recently, in ***Subramanian Swamy v. CBI (2014) 8 SCC 682***, the Constitution Bench, speaking through R.M. Lodha, C.J., while declaring Section 6-A of the Delhi Special Police Establishment Act, 1946, which

was inserted by Act 45 of 2003, as unconstitutional, has opined that : (SCC pp. 725-26, para 59)

“59. It seems to us that classification which is made in Section 6-A on the basis of status in the government service is not permissible under Article 14 as it defeats the purpose of finding prima facie truth into the allegations of graft, which amount to an offence under the PC Act, 1988. Can there be sound differentiation between corrupt public servants based on their status? Surely not, because irrespective of their status or position, corrupt public servants are corrupters of public power. The corrupt public servants, whether high or low, are birds of the same feather and must be confronted with the process of investigation and inquiry equally. Based on the position or status in service, no distinction can be made between public servants against whom there are allegations amounting to an offence under the PC Act, 1988.”

And thereafter, the larger Bench further said : (SCC p. 726, para 60) “60. Corruption is an enemy of the nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the PC Act, 1988. It is difficult to justify the classification which has been made in Section 6-A because the goal of law in the PC Act 1988 is to meet corruption cases with a very strong hand and all public servants are warned through such a legislative measure that corrupt public servants have to face very serious consequences.”

And again : (SCC pp. 730-31, paras 71-72)

“71. Office of public power cannot be the workshop of personal gain. The probity in public life is of great importance. How can two public servants against whom there are allegations of corruption of graft or bribe-taking or criminal misconduct under the PC Act, 1988 can be made to be treated differently because one happens to be a junior officer and the other, a senior decision maker.

72. Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision-making power does not segregate corrupt officers into two classes as they are common crime-doers and have to be tracked down by the same process of inquiry and investigation.”

18. From the aforesaid authorities, it is clear as noontday that corruption has the potentiality to destroy many a progressive aspect and it has acted as the formidable enemy of the nation.”

(Emphasis supplied)

8. Still further, in the matter of **Neera Yadav v. Central Bureau of Investigation, (2017) 8 SCC 757**, the Hon’ble Supreme Court observed as under:

“59. Every country feels a constant longing for good governance, righteous use of power and transparency in administration. Corruption is no longer a moral issue as it is linked with the search of wholesome

governance and the society's need for re-assurance that the system functions fairly, free from corruption and nepotism. Corruption has spread its tentacles almost on all the key areas of the State and it is an impediment to the growth of investment and development of the country. If the conduct of administrative authorities is righteous and duties are performed in good faith with the vigilance and awareness that they are public trustees of people's rights, the issue of lack of accountability would themselves fade into insignificance.

60. To state the ubiquity of corruption, we may refer to the oft-quoted words of Kautilya, which reads as under:—

“Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money for themselves).

It is possible to mark the movements of birds flying high up in the sky; but not so is it possible to ascertain the movement of government servants of hidden purpose.”

[Ref: Kautilya's Arthasastra by R. Shamasastri, Second Edition, Page 77]

As pointed out by Paul H. Douglas in his book on “Ethics of Government”, “corruption was rife in

British public life till a hundred years ago and in USA till the beginning of this century. Nor can it be claimed that it has been altogether eliminated anywhere.”

(Ref : Santhanam Committee Report, 1962 : Para 2.3).

61. Tackling corruption is going to be a priority task for the Government. The Government has been making constant efforts to deal with the problem of corruption. However, the constant legislative reforms and strict judicial actions have still not been able to completely uproot the deeply rooted evil of corruption. This is the area where the Government needs to be seen taking unrelenting, stern and uncompromising steps. Leaders should think of introducing good and effective leadership at the helm of affairs; only then benefits of liberalization and various programmes, welfare schemes and programmes would reach the masses. Lack of awareness and supine attitude of the public has all along been found to be to the advantage of the corrupt. Due to the uncontrolled spread of consumerism and fall in moral values, corruption has taken deep roots in the society. What is needed is a reawakening and recommitment to the basic values of tradition rooted in ancient and external wisdom. Unless people rise against bribery and corruption, society can never be rid of this disease. The people can collectively put off this evil by resisting corruption by any person, howsoever high he or she may be.”

9. In the present case also, at this stage, sufficient incriminating evidence has been collected against the present petitioner, which points towards the seriousness of the offence. The

law is well settled in economic offences that the discretionary power under Section 482 of BNSS should not be normally exercised. In the present case, the petitioner had demanded illegal gratification by threatening the complainant and during the trap, the bribe amount was recovered from the co-accused. Apart from that, this Court has reasons to believe that the present petitioner is definitely in a position to influence the witnesses of the prosecution and may hamper the trial, if he is granted the concession of anticipatory bail. Moreover, the petitioner was constantly in touch with his co-accused Ricchpal and Ramesh Dhaka and Ricchpal had received the bribe amount in the present case. Apart from that, the custodial interrogation of the petitioner is required to know the involvement of the other accused in the present case and to recover the amount of bribe. Consequently, in view of the entire facts and circumstances of the present case, the present petition deserves to be dismissed.

10. Dismissed.

11. The above observations have been made only for the limited purpose of disposal of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

07.04.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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