

2025:PHHC:036266



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

CRM M-10891 of 2025

Date of Decision: 10.03.2025

Jitender Kumar

...Petitioner

Versus

State of Haryana

... Respondent

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

Present : Mr. Chanderhas Yadav, Advocate, for the petitioner.

Mr. Pawan Girdhar, Addl. A.G. Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant the concession of anticipatory bail to him in case FIR No. 11 dated 17.04.2024 under Section 7-A of Prevention of Corruption Act, 1988 and Section 120-B of IPC registered at Police Station Anti Corruption Bureau, Rohtak, District Rohtak.

2. The FIR in the present case was registered on the basis of the complaint moved by the Assistant Commissioner of Police, Headquarter, Jhajjar and the same has been reproduced below:-

“To Deputy Superintendent of Police, Anti Corruption Bureau, Rohtak, Respected Sir, I have received information from sources that in the office of Deputy Commissioner, Jhajjar and Deputy Police Commissioner, Jhajjar, the employees, clerks and other persons in connivance with each other used to take money through mediator Sandeep @ Kalu Pandit son of Partap Singh, resident of Village Norangpur, District Jhajjar from the applicants for issuance of new Arms License and for enlargement of area of arms license, by taking bribe from them, corruption is being done. Upon this information on 16.04.2024, the office of Deputy Police Commissioner, Jhajjar, its arms license branch was inspected, then in the branch one private person was found present, upon enquiry, who disclosed his name Sandeep @ Kalu Pandit son of Partap Singh, resident of village Norangpur. As per secret information Sandeep @ Kalu was found over there, upon which his mobile phone was checked, he was carrying 02 mobile phones make Motorola, one mobile Sim No.9992319166 and 2nd mobile No.8053909166, the same is working on mobile No.9992319166, upon which Whatsapp was running, on whatsapp mobile No.9911115778 was saved in the name of Gajender Dighal, LC, there was a chat of taking money from licenses, this same manner on the 2nd phone of Sandeep @ Kalu, on whatsapp No.8053909166, there is whatsapp No.8053909166 to whatsapp No.9518461614, which is saved in the name of Neeraj Kanodha, LC, on that also there is chat of taking money with regard to Arms license. In addition to this, from both the numbers of Sandeep @ Kalu there is

whatsapp chat with No.9466072983, which is saved in the name of Jitender ASI. On the same also, chat with regard to license was there and with some other person also chat with regard to arms license was found. When it was enquired from Sandeep @ Kalu, then he informed he used to take money from the applicants of Arm license and he used to get prepare the arms license in connivance with the officials deputed in the office of Deputy Commissioner, Jhajjar namely, Manbir, PA and earlier employee namely Kanta, PA and officials of Deputy Police Commissioner, Jhajjar namely, ASI Jitender, License Clerk etc. by doing a setting in monetary terms and in this regard, I used to delete my whatsapp chat and call history. The matter is relating to corruption, therefore, the higher officials were consulted and thereafter, the officials of Anti Corruption Bureau were informed, thereafter, they reached at the spot with their team at Mini Secretariat at Jhajjar. As I have written to your goodself a complaint and Sandeep @ Kalu mentioned above has been produced alongwith both the above-stated mobile numbers. Legal action be taken. Sd/ English Anil (Anil Kumar HPS), Assistant Commissioner of Police, Headquarter, Jhajjar 17.04.2024.)”

3. Learned counsel for the petitioner contends that even though, the petitioner has been named in the FIR as one of the accused, however, he had no concern with the allegations levelled by the complainant in the present case. In fact, on the basis of a secret information, Sandeep @ Kalu Pandit, a private person was arrested by

the police as he was allegedly involved in the issuance of arms licenses and he used to take money from general public, in connivance with the officials of the District Magistrate Office/SP Office and used to get issued arms licenses illegally. In fact, two mobile phones were recovered from Sandeep @ Kalu Pandit, in which WhatsApp chats with regard to issuance of licenses were found by the police. Learned counsel further contends that the petitioner is working as Assistant Sub-Inspector in Haryana Police and is a decorated police officer. A complaint committee was constituted and the petitioner was member of the said committee. The main duty of the petitioner was to receive the complaints, phone calls and the messages from the general public, who had any grouse with regard to issuance of arms licenses or any other issue with administration. Even, the petitioner had no connection with the issuance of arms licenses. Still further, the learned counsel has referred to the WhatsApp chats (Annexure P-6) to contend that there was no evidence against the petitioner, which could show the demand or acceptance of any kind of bribe by him. In fact, the allegations were primarily levelled against Sandeep @ Kalu Pandit, who was arrested by the police and has now been granted the concession of regular bail by the Court of Sessions Judge, Jhajjar. Even, there was no complaint by any person to the effect that the petitioner had ever demanded any

bribe for issuance of arms license or for the extension of the area of his arms licenses.

3. On the other hand, a detailed status report has been filed on behalf of the Additional Director General of Police, Anti Corruption Bureau, Haryana and the same is taken on record. Learned State counsel submits that the FIR in the present case was registered on 17.04.2024 and the petitioner was arrested on 19.04.2024 by DSP (Headquarter) Jhajjar. Thereafter, he was called to join the investigation, by issuing him notices. However, he did not join the investigation and even absented from his duty w.e.f. 14.12.2024. He further contends that sufficient incriminating evidence in the form of WhatsApp chats/messages, call detail records of mobile phones, long posting at post of dealing with arms license applications in the office of Superintendent of Police, Jhajjar, disclosure statement of Sandeep @ Kalu Pandit, co-accused and the custodial interrogation of the petitioner was required to ensure speedy, qualitative and fair investigation. Even, the investigation was personally monitored and supervised by the Additional Director General of Police, Anti Corruption Bureau, Haryana and he had ordered special investigation on certain points. Learned State counsel further submits that the matter was still under investigation and no suspected official had been given a clean chit by the police. Even, the learned State counsel has referred to the WhatsApp chats between Sandeep @ Kalu Pandit and

the petitioner (Annexure P-6) to contend that it clearly shows that the petitioner was directly involved in the process of issuance of new arms licences with Sandeep @ Kalu Pandit. Even, the police had found sufficient evidence to connect him with the commission of crime.

4. I have considered the rival submissions made by learned counsel for the parties and perused the record carefully.

5. The petitioner, who was posted as ASI in SP Office, Jhajjar, has been specifically named in the present case. Even, during the course of investigation, the police had found the WhatsApp chats between Sandeep @ Kalu Pandit and the present petitioner and both of them chatted with regard to the issuance of new arms licenses. Even, both the accused were in touch with each other on phone and apart from that also, sufficient evidence has already been collected by the police against the present petitioner. Now, in the considered opinion of the Court, the custodial interrogation of the petitioner is required to know the particulars/details of the officers/officials posted in the Office of D.C. Jhajjar and SP/DCP Jhajjar, who had dealt with/processed the files related to arms licenses illegally and had indulged in any malpractices in the issuance of arms licenses. Still further, the police is yet to collect the information about the involvement of other public servants/private persons, who had indulged in corruption of issuance of arm licenses. Thus, when the

investigation is at a very crucial stage, this Court would refrain from exercising its discretionary power under Section 482 of BNSS and the petition is ordered to be dismissed.

10.03.2025

(N.S.SHEKHAWAT)

amit rana

JUDGE

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