



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

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CRM M-13064-2025

Date of Decision:05.08.2025

Sr. Constable Kinder Singh

...Petitioner

Versus

State of Punjab and another

... Respondents

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

Present : Ms. Rupinder K. Thind, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail pending trial to the petitioner in FIR No. 05 dated 21.01.2025, under Section 7 of Prevention of Corruption Act 1988 and Section 61(2) of the BNS Act registered at Police Station Vigilance Bureau, Rural Jalandhar.

2. The FIR in the present case has been registered on the basis of the statement made by Hardeep Kaur and the same has been reproduced below:-

“Statement of Smt Hardeep Kaur wife of Sucha Singh resident of village Raipur, Tehsil Nangal, district Rupnagar aged about 35 years Mobile No 8968537216. It is stated that I am resident of the above mentioned

address. I am a private teacher in the Holy Child Smart School, Patti, Tehsil Nangal. My parental house is village Saroya, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar. That on 13.1.2025 in regard to the fight took place in village Kukkad Majara a case was registered in Police Station Garshanker under different sections against 6 persons including my brothers Mandeep Kumar and Pardeep Kumar sons of Ram Krishan residents of Saroya and 4 other persons. In this case on 17.1.2025, my brother Mandeep Kumar alias Mani was picked up by the police of Garshanker from my parental house in village Saroya. On 19.1.2025, I went to the Police Station Garshanker to enquire about the update of the said case. In the police station Constable Kinder Singh met me and he told me that the SHO would plant case of intoxicant substance and intoxicant injections on my brother and if this case is planted then my brother will not get bail for one year even upto Hon'ble High Court and if intoxicant substance is not planted upon my brother then my brother would be released on bail within 20-25 days. In lieu of not planting a case of intoxicant substance Constable Kinder Singh made a demand of Rs1 lac from me for paying the same to Baljinder Singh Malhi, SHO Garshanker. When I told Constable Kinder Singh that a sum of Rs1 lac is quite more. Then he said that at least a sum of Rs 60,000/-would be required. The whole conversation regarding demand of bribe had been recorded by me in my mobile phone. The whole conversation regarding demand of bribe by Constable Kinder Singh took place in the old quarters of the police station in the presence of my brother Mandeep Kumar.

Then I came back and sought time from Constable Kinder Singh to make arrangement of money. On 20.1.2025 I again met Constable Kinder Singh in the police station and he told me that Baljinder Singh Malhi, S.H.O has not implicated my brother in "Chitta" case. Then asked for the money to be given to Baljinder Singh Malhi, SHO for not planting "Chitta" case on my brother and I should fulfill my promise. I told him that amount of Rs 60,000/- is quite heavy and then Constable Kinder Singh reduced the demand to Rs 50,000/- and asked me to bring this amount as Baljinder Singh SHO is demanding it. He further told me that remand of my brother is to be taken and then he would remain in police custody for 3-4 days. I made a false promise to bring money and came back. Therefore, Constable Kinder Singh and Baljinder Singh Malhi SHO in consultation with each other are demanding bribe by putting in fear of implicating my brother Mandeep Singh in the case of intoxicant injection and intoxicant material. I had recorded my conversation with Constable Kinder Singh on 19th and 20th January 2025 in connection with demand of bribe and saved the conversation in this Pen Drive and the same is being produced. Since Constable Kinder Singh made a demand of Rs 50,000/- from me but I could make arrangement of only Rs 30,000/-. Today, I have come with 60 notes of the denomination of Rs 500/- each totalling Rs 30,000/- and produce the same. Necessary Legal action be taken against Constable Kinder Singh and Baljinder Singh Malhi, SHO PS Garshanker. I shall be grateful. The statement has been read over and signed by Hardeep Kaur in English attested by Vijay Pal."

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, Mandeep Kumar, brother of the complainant alongwith five other accused named in FIR No. 5/2025 were arrested on 19.01.2025. Even, he was joined in the investigation in the present case. Consequently, there was no question of demand of money from Mandeep Kumar. Leaned counsel for the petitioner has further submitted that even the complainant had recorded some conversation with the petitioner, however, the said recording also does not advance the case of the prosecution in any manner. The petitioner was arrested in the present case on 21.01.2025 and is in custody for the last more than 06 months. Even, the challan has been presented against the petitioner and charge has been ordered to be framed against him. However, no witness has been examined so far. Learned counsel for the petitioner further submits that the petitioner is ready to give the voice sample and shall appear at the time and place, which could be identified to him by the Investigating Officer in the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there is one more case registered against the petitioner, however, it is not in dispute that the petitioner is on bail in the said case.

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

5. In the present case, the petitioner is stated to be in custody for the last six months and till date only charge has been framed against him. Thus, the trial may not be concluded in the near future and the custody of the petitioner will not serve any purpose.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

05.08.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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