

2025:PHHC:037480



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

CRM M-13766 of 2025

Date of Decision: 12.03.2025

Ajit Singh

...Petitioner

Versus

State of Haryana

... Respondent

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

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

Mr. Rajinder Kumar Banku, DAG, Haryana.

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.0004 dated 24.02.2025 registered under Section 7 of the Prevention of Corruption Act, 1988 and Section 308(2) of the Bhartiya Nyaya Sanhita, 2023 at Police Station ACB Gurugram, District Gurugram.

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

*“To,
Superintendent of Police,
Anti-Corruption Bureau,*

Gurugram

Sir.

It is requested that I, Vinay Kumar son of Anand Mohan am the resident of village Newar Pur, Police station Ikdil, Tehsil Ettawa, U.P., presently resident of village Khandsa, District Gurugram. We are five brothers and one sister. My brother Mohit, who is younger to me, is doing the work of labour. My brother Mohit is living in village Khandsa in a rented house. My brother Mohit told me that in village Berampur, 2-3 boys of Gurugram had taken Rs.7,000/- on credit basis from me and in lieu thereof, a motorcycle was given to my brother Mohit. When my brother Mohit came to know that this is the stolen motorcycle, then my brother returned that motorcycle to those boys and asked the amount given on credit. They did not return the amount. On 19.02.2025, I received a phone call from mobile No.9518612963 on my mobile No.9315797927 that the name of your brother Mohit has been reflected in the theft of the motorcycle. I am speaking from Police Station Sector: 56, Gurugram. Come to the Police station with your brother Mohit. I said that I am in the village, upon coming, I would come. Today, I alongwith my brother Mohit had gone to the Police station Sector: 56, Gurugram. There Ajit Singh, the police official met. He demanded a bribe of Rs.15,000/- for deleting the name of my brother in the theft case. My brother made the recording of the demand of bribe, which I would produce later on. Ajit Singh has made my brother to sit in the Police station and has asked him to bring Rs.15,000/- from me. If I would not give him the amount, he would not release my brother

and would implicate my brother Mohit in a false case. I do not want to give Rs. 15,000/- to Ajit Singh. I have no concern with Ajit Singh and nor I have any enmity. Legal action be taken against Ajit Singh. Sd/- Vinay Kumar son of Anand Mohan, village Newarpur, Police station Ikdil, District Ettawa, Uttar Pradesh, mobile No.9315797927, dated 24.02.2025”.

3. Learned counsel for the petitioner contends that the complainant had wrongly alleged that the petitioner had demanded illegal gratification to the tune of Rs.15,000/- from the brother of the complainant. In fact, the petitioner neither demanded nor accepted any bribe, as alleged in the FIR. The prosecution has wrongly relied upon the alleged recording. Even, in the said recording, there is no reference of illegal gratification. Still further, the petitioner was ready to give his voice sample and join the investigation. Moreover, the petitioner was a head constable in the Haryana police and had unblemished service record and had no prior criminal antecedents.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the present petitioner was the IO in case FIR No. 32 dated 07.02.2023 registered under Section 379 IPC and had demanded a sum of Rs.15,000/- from one of the accused, i.e., the brother of the complainant, to exonerate him. A trap was laid and Sumit was joined as an independent witness. A lady Anju Bala was accompanying the complainant as shadow witness. When the money

was handed over to the present petitioner and a signal was made, the petitioner got apprehensive and fled from the place of occurrence by throwing away the amount in the bushes and scaled over the wall of the police station. Even, 04 notes of denomination of Rs.500/-, which were duly initialed, were recovered alongwith other currency notes. Even, the conversation between the complainant and the present petitioner regarding the illegal gratification was recorded and it clearly substantiates the case of the prosecution.

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, at this stage, there is sufficient evidence against the petitioner, which points towards the seriousness of the offence and the law is well settled that in economic offences, the discretionary power under Section 482 of BNSS should not be normally exercised. In the present case, the petitioner had demanded illegal gratification from the complainant for exonerating his brother in a criminal case and during the trap, he had thrown the bribe amount in the bushes and had jumped over the wall of the police station. Moreover, the present petitioner is a head constable in Haryana police and may also influence the witnesses of the prosecution. Thus, keeping in view the gravity of the allegations, the present petition is ordered to be dismissed.

12.03.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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