



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

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1. **Criminal Revision No.896 of 2005 (O&M)**
Date of decision: September 3rd, 2025
Thakur DassPetitioner

Versus

Ranbir Singh and anotherRespondents

2. **CRA-S No.414-SBA-2006**
State of HaryanaPetitioner

Versus

Ranbir SinghRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal R. Lamba, Advocate
for the petitioner (in CRR-896-2005).

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana, for the appellant (in CRA-S-414-SBA-2006)
for respondent No.2 (in CRR-896-2005).

Mr. Tarun Kumar, Advocate
for the respondent-accused.

MANJARI NEHRU KAUL, J.

By this order, I propose to dispose of the above-mentioned Criminal Revision Petition as well as the appeal as they both arise out of a same occurrence.

2. The above revision petition and the appeal have been filed by the counsel for the complainant as well as the State of Haryana assailing the judgment of acquittal passed by learned Special Judge, Yamuna Nagar at

Jagadhri, whereby respondent-accused Ranbir Singh, Patwari Halqa, Jathlana, was acquitted of the charges under Sections 7 and 13 of The Prevention of Corruption Act, 1988 (hereinafter referred to as 'the PC Act').

3. The brief facts, as presented by the prosecution, are that on 26.08.2003, complainant-Thakur Dass submitted a complaint before the Deputy Commissioner, Ambala, alleging that the respondent-accused had demanded a bribe of ₹3,000/- for effecting mutation of land in his favour. Acting on the complaint, a trap was organized under the supervision of Mahavir Parshad, City Magistrate, Karnal. Six currency notes of ₹500/- each were treated with phenolphthalein powder and a memo Exhibit PC was prepared in the said regard. The treated currency notes were handed over to the complainant with instructions to part with them only on demand by the respondent-accused. Constable Jarnail Singh was deputed as shadow witness.

4. It is alleged that the complainant met the accused at his office, whereupon the accused demanded and accepted the tainted notes and kept them in his pocket. On receiving the pre-arranged signal, the raiding party entered the office and recovered the tainted notes from the respondent. The hand wash and pocket wash of the accused turned pink when dipped in sodium carbonate solution. The tainted notes were seized vide memo Exhibit PD, and after sanction, the respondent was prosecuted.

5. In support of its case, the prosecution examined 11 witnesses, including complainant Thakur Dass (PW-1), the City Magistrate, Karnal, Mahavir Parshad (PW-2) and the shadow witness Constable Jarnail Singh (PW-10). The prosecution also relied upon the FSL report (Exhibit PR)

confirming the presence of phenolphthalein in the hand and pocket wash of the accused.

6. In the statement recorded under Section 313 of the Cr.P.C., the accused denied the allegations, asserting that he has been falsely implicated on account of previous enmity. He stated that the complainant had earlier moved an application for correction of *girdawari*, which was dismissed on 12.06.2003, thereby creating animosity between them.

7. In defence, the accused examined two witnesses. DW-1 Jagdeep Singh (Patwari Halqa) deposed that the vigilance officials simply took the respondent away on the pretext on an inquiry. DW-2 Anil Kumar (Naib Tehsildar, Radaur) proved that the mutation in question had already been entered on 20.08.2003 and sanctioned on 25.08.2003, prior to the alleged trap on 26.08.2003. He further produced the order sheet (Exhibit DC) showing the earlier dismissal of the application moved by the complainant for the correction of the *girdawari*.

8. The trial Court after an elaborate appraisal of the evidence, acquitted the respondent-accused. The Court held that the prosecution had failed to prove the essential ingredients of the offence, particularly the element of demand and acceptance of illegal gratification.

9. The trial Court found it significant that the mutation in favour of the complainant had already been entered on 20.08.2003 and sanctioned on 25.08.2003, in the presence of his brother Anand Narain. Once the official work was complete, there was no occasion for the respondent to demand money on 26.08.2003.

10. The trial Court further observed that the Investigating Officer did not fairly present the case. Though the presence of Anand Narain and

another person at the time of sanction of the mutation was admitted, they were not examined as witnesses. The alleged affidavit of those present at the time of sanction was also withheld. This omission, coupled with the admitted prior hostility between the complainant and the respondent, casts serious doubt on the credibility of the trap proceedings.

11. Learned counsel for the State as well as the complainant, while assailing the acquittal of respondent-accused, argued that the learned trial Court failed to appreciate the overwhelming evidence. It was submitted that demand and acceptance stood proved through the testimonies of PW-1 Thakur Dass (complainant) and PW-10 Constable Jarnail Singh (shadow witness), corroborated by the recovery of tainted notes and the positive hand wash test. It is contended that all ingredients of Section 7 of the PC Act were made out, and the acquittal is unsustainable.

12. *Per contra*, learned counsel for the respondent supported the judgment of the trial Court. It was argued that the alleged demand on 26.08.2003 is inherently improbable, since the mutation had already been sanctioned on 25.08.2023. It was further urged that the non-examination of material witnesses and suppression of documents shows that the trap was stage-managed by the complainant to settle personal scores. Reliance was placed on settled law that proof of demand of illegal gratification is *sine qua non* for conviction under Section 7 of the PC Act and in its absence, the charge cannot stand.

13. I have heard learned counsel for the parties and perused the relevant material on record.

14. This Court finds no infirmity in the view taken by the learned trial Court.

15. It is trite law that in prosecutions under the PC Act, demand of illegal gratification is the gravamen of the evidence. Mere recovery of tainted currency notes or a positive phenolphthalein test is insufficient unless preceded by proof of demand.

16. In the present case, the admitted fact that the mutation had already been sanctioned on 25.08.2003 demolishes the case of the prosecution regarding demand on the following day. The evidence of DW-2 Anil Kumar (Naib Tehsildar) supported by documentary evidence (Exhibit DC) remains unrebutted. In such circumstances, the prosecution version that the respondent demanded money for work already completed becomes highly improbable.

17. The plea of the defence regarding previous hostility between the complainant and the accused is not without basis. The order dated 12.06.2003 dismissing the complainant's earlier *girdawari* application lends support to the suggestion of animosity. Where a possibility of false implication cannot be ruled out, the benefit must go to the accused.

18. The omission of the Investigating Officer to examine independent witnesses, particularly Anand Narain, who was admittedly present at the time of sanction of mutation, further weakens the case of the prosecution. Suppression of the affidavit allegedly given by such witnesses also creates an adverse inference against the prosecution.

19. On an overall appreciation, this Court finds that the reasoning adopted by the trial Court is firmly grounded in evidence and settled principles of law. The view taken is a possible and plausible view. Once two views are possible, the revisional Court would not be justified in interfering with an order of acquittal unless it is perverse or wholly unreasonable.

No such perversity is demonstrated in the present case.

20. In view of the foregoing, this Court is of the considered opinion that the prosecution has failed to prove the demand and acceptance of illegal gratification beyond reasonable doubt. Consequently, the revision petition as well as the appeal are dismissed. The impugned judgment of acquittal is upheld.

21. Copy of this order be placed on the file of connected case.

September 3rd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No