



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

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CRM-M-15436-2025

Date of decision: 02.04.2025

Deepak @ Deepu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Handa, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.17 dated 24.02.2025 under Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 7 of the Prevention of Corruption Act (for short, 'PC Act'), registered at Police Station C-Division, Amritsar, District Amritsar.

2. Status report by way of affidavit of Parvesh Chopra, PPS, Assistant Commissioner of Police, South, Amritsar City, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which has been registered under Section 7 of PC Act. It is contended that the



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allegations against the petitioner stem from an alleged demand of a bribe made by co-accused Constable Varinder Singh from one Ajay Kumar @ Billi (also an accused in the present FIR), purportedly through the petitioner in order to extend undue benefits to Ajay Kumar @ Billi in a case registered against him under the NDPS Act.

4. It is further argued that the petitioner had no acquaintance with co-accused Ajay Kumar @ Billi and had never interacted with him at any point in time. Moreover, the petitioner is not a public servant and has been implicated solely on the basis of an alleged audio conversation between co-accused Varinder Singh and Ajay Kumar and one Bunty. It is, therefore, contended that the petitioner does not fall within the ambit of the Prevention of Corruption Act and the allegations are wholly unsubstantiated.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It is submitted by learned State counsel that pursuant to secret information, an FIR was registered under the NDPS Act in which heroine was recovered from one Dilbag Singh. During the interrogation of Dilbag Singh, it surfaced that he had procured the contraband from accused Ajay Kumar @ Billi.

6. Allegedly, co-accused Constable Varinder Singh demanded a bribe from Ajay Kumar @ Billi through the present petitioner, in exchange for extending undue favours in the case registered under the NDPS Act. There is an audio recording of a conversation between co-accused Varinder Singh and Bunty, which



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went viral. On the basis of this audio recording, FIR No. 17 under Section 7 of the PC Act was registered.

7. It is further submitted that during the interrogation of co-accused Varinder Singh, he also made a disclosure statement admitting that he had made a demand of ₹50,000 from co-accused Ajay Kumar @ Billi through the present petitioner. Allegedly, the petitioner subsequently received ₹15,000 from Ajay Kumar @ Billi and handed it over to co-accused Varinder Singh. It has been asserted by the learned State counsel that the said audio clearly implicates the petitioner as an intermediary between the public servant Varinder Singh and the bribe giver Ajay Kumar @ Billi, thereby bringing him within the purview of the offence.

8. Learned State counsel also contends that the custodial interrogation of the petitioner is essential, as there is a strong likelihood of his involvement in other similar illegal transactions between Government officials and accused persons in criminal cases.

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

10. The grant of anticipatory bail in cases involving offences under the PC Act must be scrutinized with utmost circumspection, given the deleterious impact of corruption on public administration and governance. Hon'ble the Supreme Court in ***Devinder Kumar Bansal Vs. State of Punjab (SLP(Criminal) No.3247 of 2025)***, has unequivocally held that anticipatory bail should be granted only in exceptional circumstances where the Court is *prima facie* satisfied that



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the applicant has been falsely implicated or that the allegations are motivated by extraneous considerations. The jurisprudence governing anticipatory bail mandates a careful balancing of the right to liberty of an individual against the imperative of ensuring a fair and unhindered investigation, particularly in cases involving public interest.

11. It is also a settled principle that the presumption of innocence, though an important consideration, cannot be the sole factor in deciding an application for anticipatory bail. The Court must evaluate whether granting pre-arrest bail would impede the process of investigation or embolden potential offenders. The over-arching principle, as reiterated by Hon'ble the Supreme Court in ***Devinder Kumar Bansal's case (supra)***, is that while an individual's liberty is of paramount importance, it must not be safeguarded at the cost of compromising public justice. Courts must be particularly cautious in corruption related cases, as the ramifications extend beyond the immediate parties and affect institutional integrity.

12. In the present case, the allegations against the petitioner are not based on mere conjecture, but are supported by specific incriminating material. The prosecution is relying upon an audio recording that purportedly establishes the role of the petitioner as an intermediary between co-accused Constable Varinder Singh and Ajay Kumar @ Billy. The said audio conversation, which has been widely circulated, *prima facie* suggests that the petitioner facilitated the illegal transaction by handing over the bribe amount to a Government official i.e. co-accused Varinder Singh, thereby actively participating in the



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illegal transaction.

13. Furthermore, the disclosure statement of co-accused Varinder Singh, specifically names the petitioner as the conduit through whom an illicit gratification of ₹50,000/- was demanded, out of which ₹15,000/- was allegedly received and transferred. While a disclosure statement *per se* may not be conclusive evidence, it forms a significant link in the chain of incriminating circumstances when read in conjunction with the audio recording. At this stage, such material raises a strong *prima facie* case necessitating further investigation into the precise role of the petitioner.

14. The argument advanced by learned counsel for the petitioner that he is not a public servant and, therefore, cannot be implicated under the PC Act does, not merit acceptance. The offence of corruption is not confined to public servants alone but extends to individuals who abet or facilitate acts of bribery involving public officials. The statutory framework envisages the prosecution of not just the direct recipients of illegal gratification but also those who act as conduits in corrupt transactions. In the present case, the petitioner, though not a Government functionary himself, played an instrumental role in effectuating the bribery, thereby *prima facie* attracting the rigours of the PC Act.

15. Additionally, the learned State counsel has asserted that the custodial interrogation of the petitioner is required to ascertain whether he has been involved in other similar illegal transactions. Given the nature of the allegations, the presence of corroborative material, and the



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necessity of an unimpeded investigation, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

16. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.04.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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