

2025:PHHC:047646



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

CRM M-17094 of 2025

Date of Decision: 03.04.2025

Parveen Kumar @ Parveen Sharma

...Petitioner

Versus

State of Haryana

... Respondent

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

Present : Mr. Vikram Chaudhri, Sr. Advocate (through VC) with
Mr. Sajal Bansal, Advocate
Mr. Edward Augustine George, Advocate
Mr. Deepanshu Bansal, Advocate
Mr. Rishabh Tewari, Advocate and
Ms. Simran Gorla, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita with a prayer to grant anticipatory bail to him in case FIR No.24 dated 09.10.2024 registered under Sections 7 and 7-A of the Prevention of Corruption Act, 1988, (hereinafter to be referred as **the PC Act'**) at Police Station ACB Rohtak, District Rohtak.

2. The FIR in the present case was registered on the basis of the complaint submitted by Anand Singh and a translated extract of the complaint, which forms the basis of the present FIR, reads as under:-

“To

*The Superintendent of Police Anti-Corruption Bureau,
Rohtak*

Respected Sir,

I humbly submit that I, Anand Singh, son of Shri Chandram, am a permanent resident of House No. 846 AP, Sector 4, Rohtak. We own a 160-square-yard shop in Model Town, Rohtak, which is registered in my mother's name Smt. Kitabo. My mother wished to execute a transfer deed in my name, for which we applied at the Tehsil Office, Rohtak, on 27.09.2024, and we were issued Token No. 093270920240 24055000. During this process, I met Manjeet, a registry clerk at the Tehsil office, who demanded a bribe from me for executing the transfer deed. He stated that the deed would not be processed unless the bribe was paid. When I refused to pay, he threw away our documents. The next day, on 28.09.2024, I went to the office of Naib Tehsildar Praveen Sharma to file a complaint regarding this incident. However, Praveen Sharma justified the demand for a bribe and also asked me for money. He further told me that his associate Sahil handles such matters, and I should meet him, as he would ensure that my work gets done. When I met Sahil at the Tehsil office, he told me that normally, the cost of getting the transfer deed processed is Rs.3,00,000, but he would arrange it for Rs.2,00,000. He assured me that he would convince

Manjeet and the Naib Tehsildar to approve the transfer. On 04.10.2024, I again met Naib Tehsildar Praveen Sharma in his office, where he reiterated that I should coordinate with Manjeet and Sahil for the transfer deed and directed me to send Sahil to his office. Upon my request, Sahil went to meet Naib Tehsildar Praveen Sharma in his office. After coming out, he demanded a bribe of Rs. 1,80,000 from me for processing the transfer deed, stating that the entire amount would be distributed among the Naib Tehsildar and his associates and that he himself would receive only Rs. 10,000-Rs.20,000 from it. Under pressure and distress, I paid Rs. 10,000 in advance as a bribe to Sahil at that moment. I also recorded the entire conversation on my mobile phone, which I will later submit to you by transferring the audio recording onto a pen drive. I do not wish to pay the remaining bribe amount to Sahil and instead want him to be caught red-handed. I request legal action to be taken against them.

Complainant:

*Anand Singh, Son of Shri Chandram
House No. 846 AP, Sector 4, Rohtak
Mobile No.: 7056232140”.*

3. After the registration of the FIR, the complainant produced the recorded conversation (Annexure P-6) between him, the present petitioner and Sahil, main accused. The investigation agency proceeded to lay a trap and a sum of Rs. 1,00,000/- was handed over as trap money to the complainant and it was handed over to Sahil,

co-accused by the complainant. Later, the bribe amount was recovered from the Sofa, which was inside the chamber/kiosk in tehsil office and Sahil, co-accused was arrested at the spot. In fact, the petitioner apprehends imminent threat of arrest at the hands of the officials of the Anti Corruption Bureau, Rohtak, in the present case.

4. Learned senior counsel appearing on behalf of the petitioner has vehemently argued that the petitioner was serving in the revenue department since 10.06.1997 and all along his career, there was no adverse entry in his service record. Rather his work and conduct was appreciated from time to time by the Government as well as various non-government organizations. He further contends that the FIR in the present case was recorded, without obtaining any mandatory “previous approval” under Section 17-A of the PC Act. The FIR was recorded for commission of the offences punishable under Sections 7 and 7-A of the PC Act, however, no mandatory sanction was taken before the presentation of challan against Sahil, co-accused. Learned counsel further contends that the manner, in which, the FIR has been registered and the inquiry/investigation has been carried out without mandatory “previous approval” under Section 17-A of the PC Act itself vitiates the entire proceedings and the action of the police was in violation of the law laid down by the Hon’ble Supreme Court in various judgments. Apart from that, the Anti Corruption Bureau had presented the challan before the trial Court against Sahil, co-accused for commission of the offences under

Sections 7 and 7-A, 13(1)(b) and 13(2) of the PC Act without obtaining the requisite sanction under Section 19 of the PC Act and the Court had wrongly taken cognizance of the offences. Learned counsel further contends that there was no call record between Sahil, co-accused, who was apprehended at the spot and the petitioner as well as the complainant and the present petitioner. The amount of bribe was allegedly demanded by Sahil, co-accused from the complainant and the petitioner had never demanded any bribe from the complainant. Apart from that, the petitioner had already applied and was granted leave for two days, i.e., 09.10.2024 and 10.10.2024 and was not at the spot when the bribe was allegedly paid by the complainant to Sahil, co-accused. Apart from that, no work of complainant was pending before the petitioner and the entire prosecution case was discrepant and the complainant could not point out any reason, which may have compelled him to hand over the bribe to any person. Apart from that, even from the transcript (Annexure P-6), which was recorded on the mobile phone, submitted by the complainant, there was no material to indicate that the petitioner had demanded any bribe from the complainant.

5. Learned senior counsel further contends that in the present case, the present petitioner had been served with a notice under Section 35(3) of BNSS, which clearly shows that the police had no intention to arrest the present petitioner and the petitioner is ready to join the investigation. He further contends that the provisions of

Section 35(1)(b)(ii) of BNSS is equivalent to Section 41(1)(b)(ii) of Cr.P.C. and the police had not followed the mandate of law and wants to arrest the petitioner illegally without following the due process of law.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and the petition deserves to be dismissed by this Court. While referring to the contents of the FIR (Annexure P-2), learned State counsel submits that on 27/28.09.2024, the complainant had gone to the office of the present petitioner and the bribe was demanded by the present petitioner, who was acting as a Naib Tehsildar in Tehsil Office. Again on 04.10.2024, the complainant met the petitioner in his office, where he reiterated that the complainant should coordinate with Manjeet and Sahil, both the co-accused for the transfer deed and directed the complainant to send Sahil to his office. After coming out, Sahil demanded a bribe of Rs.1,80,000/- from the complainant for processing the transfer deed and he clearly stated that the entire amount will be distributed among the Naib Tehsildar, i.e., the present petitioner and his associates and Sahil would receive only Rs.10,000/- to Rs. 20,000/- out of the same. Thereafter, the trap was laid and the bribe amount received by Sahil at the instance of the petitioner, was recovered by the raiding team. Thus, the trap was successfully laid and proved the involvement of the petitioner in the crime. Even, the

complainant produced the recorded conversation (Annexure P-6), in which the petitioner had clearly directed the complainant to meet Sahil, a private person to get his work done. Even, Sahil admitted in the transcript (Annexure P-6) that the entire amount shall be paid to the revenue officials and he would receive only Rs.10,000/- to Rs. 20,000/- out of the total amount received by him. He further contends that various notices were issued to the petitioner under Section 35(3) of the BNSS and the petitioner was called upon to join the investigation, but he is absconding and did not appear before the police. Apart from the seriousness of the allegations levelled by the complainant, even the custodial interrogation of the petitioner was required to know the involvement of the other accused in the present case. Even, the voice samples of the petitioner were yet to be collected and the investigation in the present case was at a crucial juncture. Thus, keeping in view the gravity of the matter and the need for custodial interrogation, the present petition deserves to be dismissed.

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

8. In the present case, from a bare perusal of the FIR (Annexure P-2), it is apparent that the complainant had approached the petitioner to get a transfer deed executed in his name and the petitioner had demanded bribe for registration of the transfer deed in

favour of the present complainant. Even, the petitioner had directed the complainant to meet Sahil and to finalize the bribe amount. Thereafter, the complainant met Sahil and a trap was laid. Sahil was arrested on the spot alongwith the entire bribe amount paid to him and was arrested by the police. Thereafter, the investigation continued against Sahil and now the challan has been presented against the co-accused. Thus, the challan has been presented against Sahil and the petitioner cannot be allowed to raise the argument that no sanction under Section 19 of the PC Act has been taken against Sahil and the cognizance has been wrongly taken by the Court. In fact, the petitioner had no concern with the arrest of Sahil and in case Sahil co-accused had any grouse, he is at liberty to move an application in his own case. However, the petitioner can never be permitted to raise an argument with regard to the presentation of challan against Sahil, co-accused. In the present case, it is also apparent that the notices were issued to the present petitioner to join the investigation, however, he did not bother about the notices and was absconding since long. Still further, there are serious allegations of demand and acceptance of bribe by the present petitioner and his co-accused Sahil. Even, the conversation (Anexure P-6) between the petitioner, Sahil and the complainant was recorded by the complainant and this clearly shows that the bribe amount was demanded by the petitioner and his co-accused and Sahil was caught red handed, while taking bribe from the complainant.

9. Still further, this Court finds no force in the submissions raised by the learned senior counsel for the petitioner that the prior approval of investigation, is required under Section 17-A of the PC Act had not been obtained, and thus, the proceedings against the petitioner stood vitiated. The Hon'ble Supreme Court has held in the matter of ***Central Bureau of Investigation Vs. Santosh Karnani and another and connected case***, reported in ***2023(3) RCR (Criminal) 213;; 2023 SCC Online 427*** as follows:-

“33. The contention that prior approval of investigation, as mandated under Section 17A of Prevention of Corruption Act, has not been obtained and thus, the proceedings initiated against Respondent No. 1 stand vitiated, has no legal or factual basis. Section 17A merely contemplates that police officers shall not conduct any enquiry, inquiry or investigation into any offence alleged to have been committed by a public servant where the alleged offence is relatable to any recommendation made or decision taken in discharge of official functions or duties, without the previous approval of the competent authority. The first proviso to the section states that such approval is not necessary in cases involving arrest of the person on the spot on the charges of accepting undue advantage.

34. As may be seen, the first proviso to Section 17A refers to cases wherein a public servant is charged with acceptance of an undue advantage or attempt thereof. A prior approval or sanction to investigate such an officer in a trap case is likely to defeat the very purpose of trap

and the investigation, which is not the underlying intention of the legislature. The investigation against Respondent No. 1, being an accused of demanding a bribe, did not require any previous approval of the Central Government. That apart, the accusation against Respondent No. 1 does not revolve around any recommendations made or decisions taken by him in his quasi-judicial or administrative capacity”.

10. Keeping in view the nature of allegations, material collected during the course of investigation and the law laid down by the Hon’ble Supreme Court, with regard to grant of anticipatory bail, this Court is not inclined to grant the concession of anticipatory bail to the present petitioner.

11. Finding no merits, the present petition is ordered to be dismissed.

12. The above observations have been made only for the limited purpose of disposal of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

03.04.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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