

2025:PHHC:047163



103.

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

CRM-M-19006-2025

Date of decision: 05.04.2025

Rajwant Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aminder Singh, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.06, dated 21.02.2025, under Section 7 of P.C. Act, registered at Police Station Vigilance Bureau, District Patiala.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case, which pertains to an alleged demand for illegal gratification. It is submitted that there has been no recovery from the petitioner, nor is there any evidence of actual exchange of money.

3. Placing reliance on the contents of the FIR (Annexure P-1), learned counsel argues that the allegation is entirely based on an unverified audio/video recording, the evidentiary value of which is highly questionable. He submits that this recording, allegedly made by the complainant using her brother's mobile phone, merely shows the mobile

screen displaying the number of the petitioner while a conversion is purportedly being recorded. However, the authenticity, origin and integrity of this recording have not been subjected to any forensic or technical verification. In the absence of such corroboration, it is urged, the said recording cannot form the foundation for criminal prosecution.

4. Learned counsel further submits that the complainant had, as a matter of record, initially withdrawn her complaint submitted to the Vigilance Bureau, yet the FIR was registered subsequently, raising further doubt as to the bona fides of the allegations.

5. It is also contended that even assuming, for the sake of argument, the allegations to be true, the accusation pertains merely to an alleged demand. There is no assertion, much less any evidence, of the payment or acceptance of any bribe amount by the petitioner.

6. I have heard learned counsel and perused the material placed on record.

7. The Hon'ble Supreme Court in ***Devinder Kumar Bansal Versus State of Punjab, 2025 INSC 320***, has unequivocally held that the grant of anticipatory bail in serious offences such as those under the Prevention of Corruption, is not to be granted as a matter of routine. It is to be considered only in rare and exceptional circumstances – such as where the allegations are demonstrably false, politically motivated, or inherently frivolous. While the presumption of innocence is a cardinal principle, it cannot, in itself, be the sole ground for granting anticipatory bail. The court is duty bound to balance the right to individual liberty with the collective interest in upholding the integrity of the judicial process and ensuring a

corruption free public administration. Where public interest and the imperatives of justice out way private interest, anticipatory bail ought to be declined.

8. In the present case, the allegations against the petitioner, who is a public servant, are grave and serious in nature. He is alleged to have misused his official position by demanding a bribe from the complainant. Prima facie, the said allegation finds support in the form of recorded audio evidence, which, though yet to be subjected to forensic scrutiny, cannot at this stage be disregarded altogether.

9. In view of the foregoing discussion, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

10. Present petition stands dismissed accordingly.

11. 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.

(MANJARI NEHRU KAUL)
JUDGE

April 05, 2025

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No