

2025:PHHC:071053



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

CRM M-24780 of 2025

Date of Decision: 19.05.2025

HC Jai Singh

...Petitioner

Versus

State of Haryana

... Respondent

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

Present : Mr. Naresh Kumar Bansal, 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 of the Bharatiya Nagarik Suraksha Sanhita with a prayer to grant anticipatory bail to him in case FIR No.07 dated 13.09.2021 registered under Section 7 of the Prevention of Corruption Act, 1988 at Police Station Anti Corruption Bureau, District Gurugram.

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

“To, the Inspector, Vigilance Gurgaon, Sir, It is requested that I Mohit son of Shri Maman Singh am resident of Ward No. 11 Tawadu, District Nuh. My vehicle is bearing Number HR-36S-2263 Make Eco. This

car of mine was stolen on the night of 3/8/2021, on which I had lodged FIR No. 95 dated 8/8/2021 in Police Station City Tarau. That investigation of my case is with the Constable Jai Singh, Police Station City Tarau. That I got a call from the Constable Jai Singh saying that your car has been found, come and meet me. When I and my uncle Hoshiyaar met Constable Jai Singh then he said that you will have to pay Rs. 30,000 in order to get your car back, when on 8/9/2021, my uncle Hoshiyaar from my mobile No. 7988898571 made a phone call to Jai Singh on his mobile No. 9467640555 wherein he said that I am unable to arrange for the full amount and will give you Rs. 10,000 upfront. Listening to this Jai Singh said to bring the money, the recording of which is in my phone, Jai Singh will not give me my car without taking any money, I do not want to pay him any money and I have no rivalry with Jai Singh nor do I have any dealings with him. Today I and my uncle Hoshiyaar Singh have come before you and we request you to take appropriate action. Sd/- MOHIT resident of Ward no: 11 Tarau Nuh 7988898571”.

3. Learned counsel for the petitioner contends that as per the case of the prosecution itself, even though a trap was organized, but no recovery of any bribe amount was made from the present petitioner. Even the petitioner had informed the complainant that he was on PCR duty and would not be available for 3/4 days. This clearly negates the presumption of actual receipt of any illegal gratification and the case of the prosecution is liable to be disbelieved. Even, the FSL report, regarding the voice of the petitioner was

inconclusive and the vehicle, for which the alleged bribe was demanded had not been recovered by the police, so far. Thus, the petitioner deserves to be enlarged on anticipatory bail by this Court.

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 petitioner is serving as a head constable in Haryana Police and had demanded a sum of Rs. 30,000/- from the complainant, which was later on settled for an amount of Rs.10,000/-. Even, the petitioner had agreed to release the vehicle of the complainant in his favour after taking a sum of Rs. 10,000/- from him. The complainant had recorded the conversation with the present petitioner and the voice sample of the petitioner and the recording by the complainant were sent to FSL and as per the FSL report, the questioned voice sample had matched with the specimen voice sample of the present petitioner. Thus, apart from the statements of the witnesses, the scientific evidence also proved that the petitioner was involved in a serious crime. After the receipt of the FSL report, the steps were taken to associate the petitioner in the process of investigation in the present case. However, he did not join the investigation and is absconding since the date of issuance of notice to him. Thus, the petition deserves to be dismissed by this Court.

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. From the allegations levelled by the complainant in the FIR (Annexure P-1), it is evident that the petitioner has been specifically named as the accused in the present case. Even, the present petitioner had demanded a bribe of Rs. 30,000/- from the complainant for releasing his vehicle and finally the deal was struck for a sum of Rs. 10,000/-. Even, the complainant had recorded the conversation between the petitioner and him and now the FSL report (Annexure R-2) has been received by the IO in the present case.

As per the said report, the questioned voice sample is the probable voice of the present petitioner and the said report proves that the petitioner was involved in a serious crime. Further, in the considered opinion of the Court, the custodial interrogation of the petitioner will be required to ascertain the involvement of the other accused in the present case and to recover the necessary documents from him as well. Thus, keeping in view the gravity of the allegations, the present petition is ordered to be dismissed.

19.05.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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