



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

107

CRM-M-26214-2025

Date of decision: May 14th, 2025

Tarsem Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gagan Pradeep Singh Bal
and Mr. K.S. Nagra, Advocates
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.40 dated 20.04.2025 under Section 7 of The Prevention of Corruption Act, 1988 registered at Police Station Sadar, Pathankot.

2. Learned counsel for the petitioner submits that the petitioner is presently serving as an Assistant Sub-Inspector (ASI) in the Punjab Police. It is contended that the petitioner has been falsely implicated in the present case, which, according to the learned counsel, has been lodged with an oblique motive to shield the complainant-a person allegedly involved in multiple criminal cases and known in the area for his notoriety. Learned counsel submits that the FIR in question is a counterblast, driven by *mala fide* intent to derail legal proceedings that the petitioner may have initiated or pursued against the complainant.

3. It is further submitted by the learned counsel that the audio recording allegedly implicating the petitioner is a manipulated and

fabricated piece of evidence. The same, it is argued, has neither been verified through forensic analysis nor can any clear or specific demand of illegal gratification be discerned from it. The petitioner, it is urged, has not explicitly made any such demand in the purported recording. Learned counsel has also drawn the attention of this Court to the medical condition of the petitioner, stating that he is a chronic diabetic requiring regular monitoring and treatment. In support, attention has been drawn to the medical reports of the petitioner annexed as Annexure P-4.

4. Notice of motion.

5. Mr. Shiva Khurmi, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent and vehemently opposed the prayer and submissions made by the counsel opposite.

6. It has been contended by the learned State counsel that the allegations against the petitioner are grave and pertain to an offence involving abuse of his official position. It is argued that the petitioner, in his capacity as a public servant, demanded a bribe of ₹20,000/- from the complainant for processing a routine application. The learned State counsel has further submitted, on instructions, that the audio recording captures the petitioner making this demand, and his voice is clearly audible and identifiable. Learned State counsel has laid a great deal of emphasis on the breach of trust and the misuse of public office for private gain, which constitutes a serious infraction of law and ethics.

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

8. No fixed formula can be applied to the grant of anticipatory bail to an accused; each matter must be assessed on its own unique facts

and circumstances.

9. While arresting a public servant carries significant social and professional consequences, the presence of *prima facie* evidence indicating more than mere suspicion-particularly in serious economic offences like corruption-requires the Court to proceed with heightened caution.

10. Corruption is not merely a financial crime; it is a grave threat to governance, eroding public trust and crippling democratic institutions. When public officials engage in corrupt practices, they corrode the foundations of democracy and the rule of law.

11. In the present case, the petitioner, a police officer tasked with holding law and ensuring justice, stands accused of using his position to demand illegal gratification in discharge of a routine administrative function. The audio recording, though yet to undergo forensic verification, cannot be summarily disregarded at this stage. It forms part of the investigative material and, coupled with other preliminary evidence, presents a *prima facie* case against the petitioner.

12. This Court is conscious of the presumption of innocence that attends every accused. However, that principle cannot be stretched to shield an accused from investigation, especially where serious allegations of corruption by a public servant are involved.

13. In view of the nature of the offence, the status of the petitioner as a public servant, the gravity of the allegations, and the preliminary material collected during the investigation, this Court does not deem it fit to extend the extraordinary concession of bail to the petitioner.

14. Accordingly, the instant petition stands dismissed.

15. 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.

May 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes