

2025:PHHC:081255



206.

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

CRM-M-28927-2024

Date of decision: 08.07.2025

Jaspreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arnav Ghai, Advocate, and Ms. Kashish Sahni, Advocate,
for the petitioner.

Mr. H.S.Deol, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail, under Section 438 of Cr.P.C., in case FIR No.18, dated 23.04.2024, under Sections 7, 7A, 13 of Prevention of Corruption Act, 1988 (Amended vide Amendment Act 2018) and Section 120-B IPC, registered at Police Station Vigilance Bureau Patiala, District Patiala.

2. On 05.02.2025, while noticing the following submissions, this Court had granted the concession of interim bail to the petitioner and co-accused and asked them to join investigation:-

“The allegation against the petitioner-Jaspreet Singh (in CRM-M-28927-2024) is that he, while working as Clerk in the Jail Department of Punjab, got transferred an amount of Rs.65,000/- in the account of co-accused Harinder Singh (petitioner in CRM-M-34408-2024) on account of dealing with the application of complainant for change of jail, as her

husband Gurpreet Singh was confined in District Jail, Sangrur, as a convict in two FIRs under NDPS Act.

It has been submitted by the counsel representing the petitioner-Harinder Singh that Jaspreet Singh, being co-villagers, deposited the amount in his account, as he gave his ATM being his friend.

Learned State counsel submits that there is a call recording regarding the transaction between the petitioner-Jaspreet Singh and the complainant.

Learned counsel for the petitioners submit that baseless allegations have been levelled against the petitioners; they undertake to even give their voice samples to the Investigating Agency in order to assist in the investigation.”

Thereafter, on the adjourned date i.e. 03.04.2025, the following order was passed:-

“Learned State counsel has submitted that on the previous date of hearing, the petitioners had been extended the concession of interim bail subject to they providing their respective voice samples to the investigating agency and also cooperating with the investigating agency with respect to other aspects of the case. It has been submitted that although voice samples have been given to the investigating agency by the petitioners, however, they have not been cooperating with the investigating agency and hence, their custodial interrogation would be required.

Learned counsel for the petitioners pray for one last opportunity to yet again join investigation and cooperate with the investigating agency.

Adjourned to 08.07.2025.

Interim order to continue till the next date of hearing only.

Learned State counsel is also directed to reverify the criminal antecedents of the petitioners.

Copy of this order be placed on the file of connected case.”

3. Learned counsel for the petitioner submits that the petitioner, who is working as a Clerk in the jail, has joined the investigation pursuant to the interim order dated 05.02.2025 of this Court. It is reiterated that the allegations of demand and acceptance of bribe are not supported by any

documentary evidence or bank transaction linking the petitioner with the alleged amount of Rs.65,000. It is further submitted that the Investigating Agency is attempting to compel the petitioner into making self-incriminating disclosures, which is impermissible in law. Regarding the pendency of another FIR No.28, dated 19.02.2024, under Section 52-A of Prisoners Act, Sections 467, 468, 470, 120-B of IPC, Police Station Kotwali Kapurthala, District Kapurthala, it is pointed out that the petitioner has already been granted bail therein and has not misused the concession.

4. Status report by way of affidavit dated 07.07.2025 of Lovepreet Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Barnala, has been filed in Court today, which is taken on record subject to all just exceptions.

5. Learned State counsel, on instructions, does not dispute the fact that the petitioner has joined the investigation. However, it is submitted, on instructions, that the petitioner has not fully cooperated with the Investigating Agency, as he has been evasive in responding to queries concerning withdrawal of money allegedly routed through a QR code into the account of co-accused, Harinder Singh, and regarding the possible involvement of other jail officials in the alleged transaction. Attention has also been drawn by the learned State counsel to the affidavit filed in the Court today and the allegations of illegal gratification by the petitioner for facilitating the cell transfer of the husband of the complainant, have been reiterated.

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

7. The mere failure of the petitioner to make self-incriminating disclosures cannot be construed as non-cooperation with the investigation. The constitutional guarantee under Article 20(3) of the Constitution of India and the statutory safeguards under the BSA/Indian Evidence Act prohibit compelling an accused to be a witness against oneself. The Hon'ble Supreme Court has consistently held that an accused person cannot be compelled to make admissions or confessions, and refusal to do so cannot form the basis for seeking his custodial interrogation.

8. It is not the case of the prosecution that the petitioner has evaded investigation or tampered with evidence. On the contrary, it is admitted that the petitioner has joined investigation. The apprehension of the Investigating Agency that the petitioner has been evasive in his replies does not, by itself, constitute sufficient ground to curtail his liberty by directing custodial interrogation, especially in the absence of any cogent material pointing to the necessity of such custody.

9. As regards the alleged involvement of the petitioner in another case, it is undisputed that he has already been granted bail therein and has abided by the conditions imposed by the concerned court.

10. In view of the above and considering the settled legal position, the nature of allegations, and the fact that the petitioner has joined

investigation, this Court finds no ground to deny the extraordinary concession of anticipatory bail to the petitioner.

11. Accordingly, the instant petition is allowed and interim order dated 05.02.2025, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

12. 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

July 08, 2025
sanjeev

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