



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

210/5**CRM-M-31060-2024****Date of decision: 07.01.2025****GAGANJIT SINGH WALIA**

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Preetinder Singh Ahluwalia, Advocate with
Ms.Keerat Dhillon, Advocate for the petitioner.

Mr.Jasdeep Singh Gill, Addl.A.G., Punjab.

Mr.Manjinder Bhullar, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition is for grant of anticipatory bail to the petitioner in case FIR No.14 dated 04.06.2024 under Sections 7 and 7-A of the Prevention of Corruption Act, 1988 (Amended) Act, 2018 and Section 120-B of the Indian Penal Code, 1860 registered at Police Station Vigilance Bureau, District Bathinda.

2. Learned counsel for the petitioner submits that a perusal of the FIR reveals that there are no specific allegations levelled against the petitioner of either demanding or accepting bribe, although he has been named therein. It has been further argued that it was after two days of the registration of the FIR in question that a role had been attributed to the



petitioner of accepting Rs.35,000/- as bribe in two instalments of Rs.15,000/- and Rs.20,000/- respectively from the complainant. It has still further been asserted by the learned counsel that like in the case of co-accused Vijay Kumar Singla and Amandeep, there was neither any video recording nor audio recording of the petitioner of demanding or accepting bribe from the complainant. Learned counsel has further drawn the attention of this Court to the affidavit of Sri Gurdev Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Punjab, Unit Mansa dated 09.07.2024 and submitted that the petitioner had joined investigation on 05.07.2024 pursuant to the order passed by a Coordinate Bench of this Court 03.07.2024. It has been asserted that the petitioner had cooperated with the investigating agency. Learned counsel has submitted that merely because the replies given by the petitioner were not to the satisfaction of the investigating agency, could not be a ground to deny him the concession of anticipatory bail.

3. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation. However, he, on further instructions, submits that the petitioner has not cooperated as he has been giving evasive replies to the investigating agency and failed to provide truthful and relevant information qua the involvement and role played by the co-accused as well as failure to get the bribe money recovered. A prayer has, therefore, been made for dismissal of the instant petition as the custodial interrogation of the petitioner would be required.



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

5. It needs to be reiterated that “non-cooperation in investigation” must be interpreted with precision and cannot be equated with the failure of the accused to disclose information about his alleged accomplices or for facilitating the recovery of bribe money.

6. Cooperation involves joining investigation, providing truthful and relevant information, and assisting in uncovering facts within the knowledge of the accused, but it does not extend to compelling self-incrimination, extracting confessions, or using coercion. Article 20(3) of the Constitution of India protects individuals from being forced to incriminate themselves, and any investigative methods violating this right are unlawful. The investigating agency must instead rely on independent and lawful methods to gather information rather than pressuring the accused to act against their constitutional safeguards.

7. Insisting on custodial interrogation solely for self incriminatory purposes is unconstitutional and sets a dangerous precedent.

8. Adverting to the present case merely because the petitioner had not provided information qua the involvement and role played by the co-accused and had failed to get the bribe money recovered cannot be a ground to decline his prayer for anticipatory bail and order his custodial interrogation as prayed for by the learned State counsel.

9. In view of the above, since the petitioner has complied with order dated 03.07.2024 and joined investigation, the petition is allowed and



interim order dated 03.07.2024 is made some absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

January 07, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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