

2025:PHHC:103568



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

SR. NO.217

CRM-M-37130-2025

DATE OF DECISION:31.07.2025

GURJEET PAL SINGH

...PETITIONER(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

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

Present: Mr. Harmanjit Singh Jugait, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 482 of the BNSS with a prayer to grant the concession of anticipatory bail to the petitioner in case FIR No.18 dated 11.03.2025 registered under Section 7/7A of the Prevention of Corruption Act at Police Station Vigilance Bureau, Patiala.

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

Station House Officer, Vigilance Bureau, Patiala Range, Patiala Complaint No. 163/2024 Sangrur On investigation of the complaint of the complainant Constable Manjit Singh No. 2C/461 (now dismissed) son of S. Rachpal Singh resident of village Bange Ke Pipal, district Ferozepur, it was found that a departmental inquiry was opened in the year 2021 regarding the

verification of S. Manjit Singh's class 12 certificates. While taking action on the departmental inquiry, Mr. Jaswinder Singh, Deputy Superintendent of Police, Adjutant, 2nd Commando Battalion, Bahadurgarh, Patiala, found that Constable Manjit Singh misled the police department during the recruitment of the year 2016 was found guilty of getting a job by presenting a certificate. Acting on the report of which, the Commandant 2nd Commando Battalion, Bahadurgarh Patiala has dismissed Constable Manjit Singh from the Police Department vide his office order 192-209/Steno dated 28.06.2024. After which the appeal filed by Constable Manjit Singh in this regard is under consideration with the office of DIG, 2nd Commando Battalion, Bahadurgarh, Patiala. During this ongoing departmental investigation of Constable Manjit Singh, ASI Mohanjit Singh has been working as a Reader with various Deputy Superintendent of Police Adjutant 2nd Commando Battalion, Bahadurgarh, Patiala. In the course of this departmental investigation, ASI Mohanjit Singh has received bribe of around Rs. 1,10,000/- from Constable Manjit Singh at various times in exchange for his assistance in the ongoing departmental investigation. An audio recording in the memory card presented by Constable Manjit Singh clearly shows in a conversation between Manjit Singh and ASI Mohanjit Singh. The accused Mohanjit Singh was aware of the ongoing bribery transaction between Gurjitpal Singh alias Raju Lambi and Manjit Singh for helping in the departmental investigation of Manjit Singh. Apart from this, in the second audio recording in the memory card produced by Manjit Singh, Manjit Singh's side Gurjitpal Singh alias Raju Lambi son of Mr. Baljit Singh resident of House No. 740, Ranjit Kaleni, Seuna Road, Patiala had demanded bribe in the name of officials for getting his work done in connection with his departmental investigation, in which it was being talked in the audio recording in regard to completing the less amount of Rs.20,000/- being less from the amount of

Rs.4,00,000/-. ASI Mohanjit Singh has demanded about Rs. 1,10,000/- as bribe from Constable Manjit Singh for helping him in his departmental investigation and Gurjitpal Singh alias Raju Lambi has demanded bribe from Manjit Singh in the name of officials for helping him in his departmental investigation. By doing so ASI Mohanjit Singh No. 2517/PAP Mamura 2nd Commando Battalion Bahadurgarh Patiala recently posted Company India 2nd Commando Battalion Malerkotla son of Late S. Amar Singh resident of House 215, Street No. 2, Gurbaksh Colony, near Old Bus Stand Patiala and Gurjitpal Singh alias Raju Lambi son of Mr. Baljit Singh resident of House No. 740, Ranjit Colony Seuna Road Patiala have committed the offence U/s 7,7-A PC Act 1988 as amended by PC Amendment Act 2018 and 120-B IPC. Therefore, a report for registration of a case against the above accused is sent in the hands of Constable Gurjivan Singh No. 2252/Sangrur. The case should be registered and a copy of the FIR should be sent to me. Special reports be issued. I am busy doing Investigation. Today Office Vigilance Bureau, Unit Sangrur Time around 02:00PM Dated 11.03.2025. Inspector Ramandeep Kaur Vigilance Bureau, Unit Sangrur.”

3. Learned counsel for the petitioner contends that neither the name of the petitioner was mentioned in the FIR nor any specific overt act has been attributed to him. The complainant Manjit singh himself was suspended from service due to discrepancies found in the 12th class certificate produced by him before the police. The petitioner is an agriculturist and had no connection with the police or with the commission of the alleged offences. He further contends that the petitioner had no financial dealings whatsoever either with the complainant or with ASI Mohanjit Singh. Now the petitioner is sought to be implicated on the basis of

an audio conversion, which neither refers to any financial transaction nor establishes the involvement of the petitioner in any criminal act. Further, the facts of the present case and the material collected so far, do not justify the need for custodial interrogation of the petitioner. Thus, the present petition is liable to be accepted.

4. Reply by way of affidavit dated 30.07.2025 of DSP, Vigilance Bureau, Patiala has been filed in Court today and the same is taken on record.

5. Learned State counsel submits that during the course of investigation, it was found that ASI Mohanjeet singh was working as a Reader with DSP, Adjutant 2nd Commando Battalion, Bahdurgarh (Patiala) and he had received bribe money of Rs.1.10 lac from Manjit Singh, Constable on various occasions in the ongoing enquiry. Even an audio recording in the memory card was presented by the complainant, which clearly shows that a conversion took place between the complainant and ASI Mohanjeet Sigh, who was fully aware about the exchange of bribe between the complainant and the present petitioner for helping the complainant in the departmental enquiry. During investigation of the present case, the complainant also produced one audio recording in a memory card, in which it was clear that the petitioner had demanded bribe in the name of officials for getting the work of the complainant done. In the said recording, he admitted that he had received a sum of 3.80 lacs. The petitioner had demanded bribe from the complainant in the name of the officials for helping him in his departmental enquiry. Thus, the petitioner had committed a serious offence and his custodial interrogation is required. Learned State

counsel has also placed reliance on a transcript of conversation (Annexure R-1) between the complainant, his father and the present petitioner. He further submits that the petitioner had received an amount of Rs.3.80 lacs as bribe and the custodial interrogation of the petitioner is required to recover the said amount as well.

6. I have heard the learned counsel for the parties and perused the case file minutely.

7. 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.”

8. In ***Subramanian Swamy v. Director, Central Bureau of Investigation, (2014) 8 SCC 682***, the 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 bribetaking 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)

9. 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.”

10. In the present case, at this stage, there is sufficient evidence against the petitioner, which prima facie shows that the petitioner had received an amount of Rs.3.80 lacs from the complainant, so as to help him in his departmental enquiry and he had taken this amount for giving a part of this to the higher police officers. In fact the law is well settled that in economic offences, the discretionary power under Section 482 of BNSS should not be normally exercised. Moreover, the petitioner is acting as a tout for senior police officers and may also influence the witnesses of the prosecution. Further, in the considered opinion of this Court, the custodial interrogation of the petitioner is required to unearth the *modus operandi* adopted by the accused in the present case, to know the involvement of other senior police officers and to recover the amount of bribe.

11. In view of the above, the present petition, being devoid of any merits, is hereby dismissed.

31.07.2025
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO