



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-57852-2024

Date of decision: March 19th, 2025

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit Singla and Ms Varsha Sharma, Advocates
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.143 dated 23.10.2024 under Sections 7, 13(2) of The Prevention of Corruption Act, 1988 and Sections 18 and 59 of the NDPS Act, 1985, registered at Police Station Kot Ise Khan, District Moga.

2. While issuing notice of motion on 26.11.2024, following submissions of learned counsel for the petitioner were recorded:-

“Learned counsel for the petitioner submits that petitioner, Manpreet Singh, and his nephew, Gurpreet Singh, have been falsely implicated in the present case. Being private persons, none of the offences alleged against them are substantiated. It is further contended that the prosecution has not alleged that they either offered a bribe or made any payment pursuant to such an offer to any police officials. Consequently, it is asserted that no offence under The Prevention of Corruption Act is made out against them.

Moreover, it is argued that Section 59 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act is applicable only to public officials and not to

private persons like the petitioner. As regards Section 18 of the NDPS Act, it is submitted that an FIR dated 1st October, 2024 has already been registered concerning the recovery of opium, and the petitioners have no connection with the alleged offences.”

3. Thereafter, vide detailed order dated 17.01.2025, the petitioner had been granted interim anticipatory bail with direction to join investigation and following submissions of learned counsel for the petitioner were recorded:-

“3. In continuation of the earlier submissions, learned counsel for the petitioners advanced additional arguments before this Court. It was contended that offences alleged under Sections 7 and 13(2) of the PC Act, are not attracted against the petitioners as they are private individuals and, therefore, do not fall within the purview of 'public servants' as defined under the PC Act.

4. It is further argued that the prosecution has not alleged that the petitioners offered bribes to the co-accused, police officials, in connection with their exoneration in FIR No.0131 dated 01.10.2024 registered under Section 18 of the NDPS Act at Police Station Kot Ise Khan, against them for allegedly smuggling opium. Instead, it has been categorically asserted that it was the police officials themselves, who contacted Gurlal Singh, President of the truck union, and solicited bribes on behalf of a senior police officer. This solicitation, as per learned counsel for the petitioners, was directed towards pressuring the petitioners, who were also members of the truck union, into paying illegal gratification to secure their exoneration in the case registered under the NDPS Act.

5. Learned counsel for the petitioners further asserted that the police officials conveyed to Gurlal Singh that a failure to meet their demands or bribe would result in custodial torture and false implication in some more criminal cases. Learned counsel has drawn the attention of this Court to the affidavit of Jora Singh, PPS, Deputy Superintendent of Police, Baghapurana, District Moga, wherein it does not find mention that any disclosure statement suffered by the petitioners was destroyed. Instead, it has been argued that the

reply vaguely states that it is uncertain that whether disclosure statement made by the accused was reduced into writing by Arshpreet Kaur or not.

6. *Learned counsel for the petitioners submits that there is no credible evidence to support allegations that the petitioners bribed police officials to secure their exoneration in FIR No.0131 under the NDPS Act. Furthermore, there is no evidence to substantiate the destruction of any disclosure statement by the police. It is contended that these circumstances point to the fact that the petitioners never sought to exonerate themselves by unlawful means.*

7. *Learned counsel submits that rather, it was the co-accused police officials who exerted pressure on the petitioners, through Gurlal Singh, to pay a bribe under threat of custodial torture and false implication.*

8. *Learned counsel has further emphasized that the case of the prosecution is based primarily on the statement recorded under Section 164 of the Cr.P.C. by Gurlal Singh. It is submitted that this statement does not, in any manner, implicate the petitioners as having bribed the co-accused police officials. In support, learned counsel has drawn the attention of this Court to the statement made by Gurlal Singh under Section 164 of the Cr.P.C., which reads as under:-*

“24 days ago I received a Whatsapp call from Gurpreet Singh, MHC, PS Kot Ise Khan and he informed me that one member of truck union has been arrested along with opium. As I am president of Truck Union, they also disclosed the name of said person is Sonu and being president of Truck Union, he is known to me. We have apprehended three persons i.e. Sonu, his brother Manpreet Singh and his son. In case, you will reach there, then we can solve their problem. Then I replied that he is member of my truck union. so I am coming. After that MHC Gurpreet Singh told me that he will call me again after talking with SHO. He also informed that Sonu is ready to pay Rs.5 lakhs to me, he will give the amount to you and you should have to hand over the same to us. In case you are taking his responsibility, then we will release his brother Manpreet Singh and son Gurpreet Singh and also will not plant any heavy recovery in the case nor we will torture him. After that said Gurpreet Singh

got me talk with SHO Arshpreet Kaur through WhatsApp. SHO told me that we are going to release his brother and son and will receive the money from you and it will be your responsibility. After 5-7 days of that during night time, Manpreet Singh and Gurpreet Singh handed over Rs. 5 lakhs cash near to my house. After that I called Gurpreet Singh MHC and asked him to take your money. On same day MHC Gurpreet Singh and Rajpal Singh have taken Rs.5 lakhs from me. Money was received by Gurpreet Singh and he also told me that they have registered the case of only 2 kg opium and also not tortured him, so they will give Rs. 3 lakhs more to you. I told them that they have arranged said amount with lots of difficulties, so it so difficult for them that they can pay more amount. However, in case they will give me, I will hand over the same to you. After that MHC (Gurpreet Singh) told me to arrange the amount, they have made phone calls to me number of times. However, I told that in case they will give me after arranging, then only I can give it to you.”

4. Learned counsel for the petitioner submits that in compliance of order dated 17.01.2025, the petitioner has joined investigation and cooperated with the investigating agency.
5. Learned State counsel, on instructions from Inspector Ramandeep Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.
6. In view of the above, the petition is allowed and interim order dated 17.01.2025 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

March 19th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No