



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57895-2024

Reserved on : 16.01.2025

Pronounced on : 17.01.2025

Rajpal Singh Gill

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by : Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.143 dated 23.10.2024 under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 (for short, 'PC Act') and Sections 18 and 59 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kot Ise Khan, District Moga.

2. On 26.11.2024, learned counsel for the petitioner had made the following submissions:-

“Learned counsel for the petitioner submits that the petitioner, a Police Constable, has no involvement in the alleged offence, as is evident from a plain reading of the FIR in question, which has been annexed as Annexure P-2. It is contended that no demand for bribe has been attributed to the petitioner. The only allegation against him is that he accompanied co-accused Gurpreet Singh, a police official, when the latter approached the complainant to receive the bribe money, which was



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handed over directly to co-accused Gurpreet Singh.”

3. In addition, learned counsel for the petitioner submitted that FIR No.0131 dated 01.10.2024 under the NDPS Act was lodged at Police Station Kot Ise Khan. At the relevant time, the petitioner was posted at Police Chowki Bhalkandi and had no involvement or connection with the investigation pertaining to the aforesaid FIR No.0131 dated 01.10.2024. It is further contended that no recovery is to be effected from the petitioner and consequently, his custodial interrogation is neither necessary nor warranted.

4. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, has argued that the petitioner, in collusion with co-accused Gurpreet Singh accepted a bribe amounting to Rs.5 lakhs from Gurlal Singh, president of a truck union. This allegation finds specifically detailed not only in the present FIR but also in the statement made by Gurlal Singh under Section 164 of the Cr.P.C. Learned State counsel further asserts that the allegations against the petitioner are of a grave nature, as they pertained to the misuse of his official position as a police official for personal gain through illegal gratification.

5. Moreover, it is contended by the learned State counsel that the involvement of the petitioner in the instant case is evident given his consistent communication with Gurlal Singh. Learned State counsel has drawn the attention of this Court to the reply dated 07.01.2025 filed, in connected case CRM-M-57852-2024, by way of affidavit of DSP,



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Baghapurana and in particular to para 9 which is reproduced hereinunder:-

“9. That it is further submitted that mobile phone of prime witness namely Gurlal Singh was sent to the Cyber Investigation and Technical Support Unit, Faridkot for analysis. As per said report they had analysed the data for the period of 02.10.2024 to 11.10.2024 and as per said data, said Gurlal Singh having contact No.8804000015 was in continuously touch with Sr. Ct. Rajpal Singh contact No.9780008164 and accused Gurpreet Singh having contact no.98728-65028 through WhatsApp calls. Copy of report is attached herewith as Annexure R-3. As per CDR, total 25 WhatsApp calls were exchanged between Sr. Ct. Rajpal Singh and witness Gurlal Singh on 02.10.2024, 03.10.2024, total 12 WhatsApp calls, on 05.10.2024, two WhatsApp Calls and on 06.10.2024 total 4 times and on 07.10.2024 to WhatsApp Call and on 08.10.2024, total 3 WhatsApp calls were exchanged between Sr. Ct. Rajpal Singh and witness Gurlal Singh.”

6. In the light of the above submissions, learned State counsel argues that the custodial interrogation of the petitioner is crucial for uncovering the truth and ensuring a thorough investigation.

7. This Court has heard learned counsel for the parties and examined the material on record.

8. Before delving further, it is pertinent to reproduce the contents of the FIR annexed as Annexure P-3 and the statement of Gurlal Singh recorded under Section 164 of the Cr.P.C., which are as follows:-

FIR

“In-charge Officer Police Station Kot Ise Khan, today I, DSP along with Reader Staff ASI Sarabjit Singh Gunman S/Ct Veer Singh 610/Moga, in Government vehicle of S/Ct Gurjit Singh was present at Main Chowk Kot Ise Khan in connection with the blockade then the secret informant came present to me and informed me that the case No. 131 dated 01.10.2024 u/S 18-61-85 NDPS ACT registered at



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Police Station Kot Ise Khan (02 Kg Opium) against Amarjit Singh alias Sonu son of Harbhajan Singh resident of Datewala Road Kot Ise Khan District Moga was registered and on the occasion his brother Manpreet Singh son of Harbhajan Singh and his son Gurpreet Singh son of Amarjit Singh resident of Datewala Road Kot Ise Khan District Moga were also with him, with whom 03 kg of opium, which at that time Madam INSP Arshpreet Kaur Grewal SHO Kot Ise Khan along with Gurpreet Singh MHC Police Station Kot Ise Khan and Rajpal Singh Munshi Police Chowki Balkhandi through a private person made a deal for 08 lakh rupees and out of which Rs. 05 Lakhs were obtained and case was registered against Amarjit Singh only, leaving his brother Manpreet Singh and son Gurpreet Singh on the spot. Informant being reliable and trustworthy that INSP Arshpreet Kaur Grewal SHO Kot Ise Khan, Gurpreet Singh MHC, Police Station Kot Ise Khan and Rajpal Singh Munshi Police Chowki Balkhandi, Manpreet Singh son of Harbhajan Singh and Gurpreet Singh son of Amarjit Singh residents of Datewala Road Kot Ise Khan District Moga committed of offence under section 7, 13(2)88 PC ACT & 18/59-61-85 NDPS. Written ruqa was sent by hand against INSP Arshpreet Kaur Grewal SHO Kot Ise Khan, Gurpreet Singh MHC, Police Station Kot Ise Khan and Rajpal Singh Munshi Police Chowki Balkhandi, Manpreet Singh son of Harbhajan Singh and Gurpreet Singh son of Amarjit Singh residents of Datewala Road Kot Ise Khan District Moga for registration of case/FIR to Police Station and number should be made aware of the case. Special reports to be prepared. Officers and PCR Moga, should be informed. I, DSP along with fellow officials are busy in investigation. SD/-Ramandeep Singh DSP Sub Division Dharamkot dated 23.10.2024. Jurisdiction at area Main chowk Kot Ise Kha dated 23.10.2024 At.5.45 PM" Today, on receiving of the ruqa in the Police station, after registration of case against aforesaid person under abovementioned offence, copy of FIR along with the original document is being sent by hand of the S/Ct arinda to DSP Sub Division Dharamkot. After preparing special reports by hand of Ct Jaswinder Singh 1432/Moga are being sent to Illaqa Magistrate and Officers. PCR Moga is being notified."

Statement of Gurlal Singh under Section 164 Cr.P.C.

"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



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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.”

9. A careful perusal of the FIR reveals that serious allegations have been levelled against the petitioner, accusing him of receiving Rs.5 lakhs as bribe from Gurlal Singh to facilitate the exoneration of accused Gurpreet Singh and Manpreet Singh in a case registered under the NDPS Act. Additionally, learned counsel for the State has also informed this Court that the petitioner had been in consistent telephonic contact with Gurlal Singh. Call detail records indicate that no fewer



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than 25 calls were exchanged between the petitioner and Gurlal Singh following the registration of FIR No.0131 dated 01.10.2024.

10. At this stage, the allegations against the petitioner cannot be dismissed lightly. The nature and gravity of the charges necessitate custodial interrogation of the petitioner to thoroughly investigate the extent of the petitioner's involvement as well as to ascertain the modus operandi of the petitioner and other co-accused police officials. In the circumstances, no ground is made to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

11. 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.

17.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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