



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

CRM-M-61230-2024

Reserved on : 16.01.2025

Pronounced on : 17.01.2025

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by : Mr. Robin Dutt, 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, 13(2) of the Prevention of Corruption Act, 1988 (for short, 'PC Act') and Sections 18, 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. The instant case pertains to allegations of grave misconduct against the petitioner, who is accused of exploiting his official position to demand illegal gratification. The petitioner allegedly conspired with co-accused police officials, to solicit bribes from co-accused Manpreet Singh son of Harbhajan Singh and Gurpreet Singh son of Amarjit Singh, who were allegedly caught smuggling opium, with an assurance of exonerating them from prosecution under the NDPS Act.



3. Learned counsel for the petitioner contended that the allegations against the petitioner are entirely baseless and fabricated, and implausible. It was argued that it is highly improbable for a member of police party involved in recovering contraband from the accused to later demand illegal gratification, particularly after a lapse of one month from the date of alleged recovery of contraband. Learned counsel for the petitioner further pointed out inconsistencies in the case of the prosecution, particularly to alleged disclosure statement qua which the State counsel on an earlier date had referred. It has been contended that on an earlier date of hearing it was claimed by the State counsel that the disclosure statement allegedly suffered by accused in the case under the NDPS Act had been destroyed by the police officials including the petitioner in connivance with each other. However, in its reply, the state admitted uncertainty about the very existence of such a statement. Therefore, the counsel argued that these contradictions, reveal the case of the prosecution to be an unfounded attempted to harass him.

4. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and while drawing the attention of this Court to the allegations levelled as well as its reply filed by way of affidavit of DSP, Baghapurana, presented a detailed account of the alleged misconduct of the petitioner. Learned State counsel argued that the petitioner, in collusion with co-accused, demanded a bribe from co-accused Manpreet Singh and Gurpreet Singh, two persons apprehended for smuggling opium; the bribe was



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demanding through Gurlal Singh, President of a truck union since both Manpreet Singh and Gurpreet Singh were also members of the truck union. The bribe as per the State counsel was solicited not only to exonerate the accused from prosecution under the NDPS Act, but also to shield them from custodial torture.

5. Learned State counsel further submitted that the petitioner and his co-accused also threatened to falsely implicate both Manpreet Singh and Gurpreet Singh in other cases under the NDPS Act if the bribe was not paid. Such coercion, therefore, represents a blatant abuse of authority, undermining public trust in law enforcement. In addition, learned State counsel submitted that there was ample documentary evidence, including WhatsApp call logs, call detail records and mobile location data, which corroborated the involvement of the petitioner in the instant case. Learned State counsel stated on instructions that the records and other documentary evidence collected by the investigating agency showed regular communication between the petitioner, Gurlal Singh, and other co-accused, and confirmed their presence at the location where the bribe money was handed over.

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

7. Before delving further, it is pertinent to reproduce the contents of the FIR annexed as Annexure P-2 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 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 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.”

8. The allegations against the petitioner, a serving police officer, are of an extremely serious nature. The petitioner is accused of misusing his position not only to exonerate drug smugglers in exchange for bribes but also of threatening to implicate them in additional cases and subject them to custodial torture if they failed to comply with his

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demands. Such conduct, if proved, strikes at the very heart of the criminal justice system and erodes public confidence in law enforcement. The prosecution has presented prima facie case in the form of call detail records, WhatsApp communications and mobile location data, all of which prima facie indicate the active involvement of the petitioner in the conspiracy. The corroborative nature of the evidence warrants further investigation to uncover the full extent of the petitioner's alleged misconduct. Considering the gravity of the allegations and the alleged role attributed to the petitioner in orchestrating a conspiracy involving other police officials also, custodial interrogation is essential as it would aid in uncovering the modus operandi of the conspiracy, the involvement of other officials, and the circumstances under which the alleged bribes were solicited and received. The petitioner is alleged to have used his position to perpetrate a gross miscarriage of justice by facilitating the escape of drug smugglers and thereafter threatening them with false implications. In the circumstances, the petitioner does not deserve the extraordinary concession of anticipatory bail.

9. The instant petition stands dismissed accordingly.

10. 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

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(MANJARI NEHRU KAUL)**JUDGE**

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