



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

CRM-M-63696-2024 (O&M)

Date of Reserve: 10.01.2025

Date of Decision: 15.01.2025

Amit Kumar

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Amit Chaudhary, Advocate with
 Mr. Anil Bhardwaj, Advocate and
 Mr. Vikalp Mishra, Advocate
 for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 of the **B.N.S.S** with a prayer to grant anticipatory bail to him in case FIR No.21, dated 21.11.2024, under Section 7, 13(1)(b) read with 13(2) of Prevention of Corruption Act and Section 223, 121(1), 132,109 of B.N.S, 2023, registered at Police Station ACB, Faridabad (Faridabad Division), Anti Corruption Bureau, Haryana (Annexure P-1).

2. The FIR in the present case was registered on the basis of the complaint filed by Nishil Garg son of Surender Garg and the same has been reproduced below:-

“To, Hon'ble S.H.O. Sahib, Police Station Anti Corruption Bureau, Faridabad. Sir, it is submitted that I, Nishil Garg son of Shri Surender Garg resident of House No. 84, Anand Vihar, Police



Station Pritam Pura, Delhi-34. I am running import business. In market, except me, my friend, namely, Utsav Kalra son of Shri Raj Kalra, resident of Sector 15, Rohini, Delhi is also running import business. For our business we used to obtain bank account from market and further used to make use thereof for payment. On dated 31.08.2024, a team of Faridabad police reached at the house of my friend Utsav and when I got information about this, then, I also reached at the house of my friend Utsav, where police personnel, in civil dress, were present and they stated that a fraud worth Rs. 1.5 crores has taken place in the accounts which are being used by you for your business and police personnel while pressurising me took away an amount of Rs. 10 lacs from me in lieu of not making of my arrest while my friend Utsav was arrested and was taken away. On dated 01.09.2024, I along with my friend Lakshay and Divesh had gone to Nainital in connection with personal affair. On dated 02.09.2024, Faridabad police apprehended me and my friends from Nainital and brought us to Police Station N.I.T. Faridabad, where I was arrested in case F.I.R. No. 27/24 Police Station Cyber, N.I.T. Faridabad and I was asked that I will get you released on bail immediately after producing before the Court and in lieu thereof you should make arrangement for Rs. 05 lacs. I.O. made my friends free after taking money. After that I.O. of the case, namely, S.I. Arjun kept me on police remand till 05.09.2024 and produced me before the Court and I was allowed bail from the Court. On dated 15.11.2024, my friend Vishal was arrested by S.I. Arjun and S.I. Ram from Rohini (Delhi) and demanded amount of Rs. 15 lacs from me for getting him released on bail and we had given amount of Rs. 7,50,000/- to them on dated 17.11.2024 in front of market of Sector 15. Today, on dated 21.11.2024, I received whatsapp call from S.I. Arjun and he demanded remaining amount of Rs. 7,50,000/- on the pretext of bail of Vishal



and Rs. 05 lacs for my bail and I have made recording while raising demand for that bribe money, which I shall produce before you later on. I do not want to give bribe money as demanded by SI Arjun and S.I. Ram. I am having no any personal enmity or grudge against them nor I am having any kind of money transaction with them. Appropriate legal action against S.I. Arjun and S.I. Ram may be initiated. Sd/- Nishil Garg 9718833447. ”.

3. Learned counsel for the petitioner vehemently argued that the petitioner was neither named in the FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. As per the complainant, the bribe was allegedly demanded by Arjun Singh, Sub Inspector and Ram Singh, Sub Inspector, co-accused. Even, when the trap was laid in the present case, Arjun Singh, Sub Inspector, co-accused was apprehended with the tainted money and Ram Singh, Sub Inspector fled from the spot, after causing injuries to the Arresting Officer. He further contends that the petitioner never had any direct contact with the complainant or any other person connected with him. Moreover, the bribe was allegedly demanded for helping the complainant in a investigation arising out of FIR No.27 dated 27.02.2024. However, the petitioner had neither arrested nor interrogated any of the accused in FIR No.27 dated 27.02.2024. He further contends that the petitioner has been falsely involved only on the basis of a confessional statement made by co-accused namely Arjun Singh, Sub Inspector, which is inadmissible in view of the provisions contained in Section 23 of the Bharatiya Sakshaya Adhinyam, 2023. Still further, no offence under Section 7 or Section



13(1)(b) read with 13(2) of P.C Act is made out against the present petitioner, as the petitioner had neither demanded, nor obtained nor accepted nor attempted to obtain any bribe from the complainant. Still further, the petitioner was posted on the post of SHO Police Station Adarsh Nagar and at that time, investigation of FIR No.27 dated 27.02.2024 was marked to the petitioner by senior authorities only for a short period, as he was having a long experience of handling investigation of cyber crimes. Learned counsel further argued that the petitioner was having extensive experience in cyber crimes and cyber frauds and he was being targeted as a part of a greater conspiracy and has been falsely involved in the present case out of departmental jealousy, in order to victimize him in the department. Learned counsel further contends that as per the confession of Arjun Singh, Sub Inspector, co-accused, he had demanded bribe from the complainant at the instance of petitioner on 16.10.2024 and on the same day, he had allegedly paid a sum of Rs.10 lacs to the petitioner in the evening near the gate of Police Lines, Faridabad. In fact, the petitioner was not in Faridabad from 15.10.2024 to 19.10.2024, as he had gone to Goa with his family. Thus, the allegations levelled against him by the complainant are highly improbable and unbelievable.

4. Pursuant to the notice, a status report by way of an affidavit of Deputy Superintendent of Police, Anti Corruption Bureau, Faridabad Range, Faridabad has been filed and the same is taken on record.

5. Learned State counsel vehemently argued that the petitioner was posted as SHO and Arjun Singh, Sub Inspector, co-accused had taken a bribe of



Rs.20 lacs at the instance of the present petitioner. Even out of 20 lacs, a sum of Rs.10 lacs was handed over by Arjun Singh, Sub Inspector to the petitioner. Apart from that, it is apparent that different amounts were accepted by the police officers as bribe from the complainant party, in collusion with the present petitioner. Learned State counsel further submitted that even the conversation between Arjun Singh, Sub Inspector, co-accused and the complainant party was recorded, in which the petitioner was also referred repeatedly and this conclusively proves the involvement of the petitioner in the crime. Learned State counsel further submitted that the petitioner is a senior police official and the investigation is at a very crucial stage. Consequently, in case, the concession of anticipatory bail is granted to the petitioner, this would certainly hamper the probe and a detailed and thorough investigation is required to unearth the larger conspiracy involving the petitioner and other senior police officers. Even during the course of investigation, it has been found that some other police officials/higher officials were also part of the conspiracy and the custodial interrogation of the petitioner is required to take the investigation to its logical end. Consequently, it was prayed that the present petition may be ordered to be dismissed.

6. I have heard the rival contentions made by learned counsel for the parties and perused the record carefully.

7. It is apparent that after the registration of the FIR No.27 dated 27.02.2024 against the complainant side, the police officials had started raiding the house of the complainant party. From a perusal of the FIR, it is apparent that



the complainant party was coerced to pay a huge amounts as bribe by the police officials i.e. Arjun Singh, Sub Inspector and Ram Singh, Sub Inspector. Even, the complainant and his business partners were detained in the police station, so that they may be pressurized to pay bribe to the police officers. Apart from that, during the course of investigation, the police has collected the recorded conversation between Arjun Singh, Sub Inspector, complainant and Utsav Kalra and from the said recording, it is apparent that the present petitioner was also involved in the crime and they had demanded the bribe from the complainant. Apart from that, even in his disclosure statement made by Arjun Singh, Sub Inspector, who was caught red handed at the spot, stated that he had demanded a sum of Rs.20 lacs from the complainant at the instance of the present petitioner and out of Rs. 20 lacs, he had handed over a sum of Rs.10 lacs to the present petitioner. Still further, the petitioner has tried to set up a plea of alibi, which could only be adjudicated during the course of trial. At this stage, from the police file, it is apparent that the police has already collected the sufficient incriminating evidence against the present petitioner, which would require his custodial interrogation, in the present case. Apart from that, the Hon'ble Supreme Court has held in number of judgments that grant of anticipatory bail is not to be done as a matter of rule, especially in the matters of economic offences which constitute a class apart; because at the stage of anticipatory bail, it may frustrate the Investigating Agency in interrogating the accused and in collecting useful information and also the materials which might have been concealed. Apart from that, the present petitioner is a senior police official and

may also influence the witnesses of the prosecution. Still further, this Court finds sufficient force in the submissions made by learned State counsel that the custodial interrogation of the petitioner would be required to unearth the larger conspiracy in the present case, in which certain more police officials/higher police officials may also be involved.

8. Thus, finding no merits, the present petition is accordingly ordered to be dismissed.

9. Pending application(s), if any, stand(s), disposed of, accordingly.

15.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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