



CRM-M-10780-2026

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

157

CRM-M-10780-2026 (O & M)

Date of decision: 30.03.2026

CHIRAG LAKHOTRA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.D.S.Sukhija, Sr. Advocate with
Mr. Karanvir Singh, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS, 2023, for grant of anticipatory bail to the petitioner in FIR No.4 dated 22.01.2026, under Sections 7, 7A of P.C. Act 1988 as amended by P.C. (Amendment) Act 2018 and 308 (2) 336 (2), 336 (3), 337, 338, 339, 340, 61(2) of BNS, 2023 (384, 465, 468, 466, 467, 474, 470, 471, 120-B of IPC), registered at P.S. Vigilance Bureau, Jalandhar.

2. Learned Senior Counsel submits that the petitioner was working as a Block Officer and the amount of Rs.1,10,000/- paid, was by way of a penalty deposited by Mohammad Salim, who had submitted the complaint online. Infact, the said person has given an affidavit on 22.07.2025, Annexure P-2, that he does not want to pursue the same. Moreover, no amount was received in the account of the petitioner, and thus, prays that he be granted anticipatory bail.

3. Learned State counsel vehemently opposes by submitting that the petitioner was very much part of the raid that was conducted on the intervening



CRM-M-10780-2026

night of 28/29.06.2025, at around 2.00 to 3.00 a.m. and was aware that as per the schedule dated 18.01.2025, the penalty amount in case of mining, for which Mohammad Salim and others were apprehended, alongwith vehicles, for illegal mining, was Rs.4,10,400/-. However to let them off, the deal was settled for Rs.1,50,000/- as bribe, out of which Rs.45,000/- was paid in cash to co-accused Shamsher Singh (daily wager), working as Guard on 29.06.2026, Rs.25,000/- through UPI to the tea vendor of the office and Rs.40,000/- to the said vendor on 30.06.2025, which was withdrawn by him on the same date. He has also relied on the screen shot of the message 'Paise na farhi' followed by the word 'Hale' (not to accept the money now), Annexure R-1, sent by the petitioner to above co-accused, which according to him was the balance amount of Rs.20,000/- out of the settled amount, but by then the complaint was filed by Mohammad Salim and petitioner knew he would be apprehended. Further that, recovery of JCB machine and motor-cycle was subsequently mentioned in the damage report, Annexure P-3, appears as though to have been made using a different pen and ink. The tower location record of the petitioner, Annexure P-3, has also been relied to show that he was present at the spot, when the vehicles were seized and illegal mining was found to have taken place. Further reference is made to Annexure R-4, the application submitted by Mohammad Salim to deposit the amount, which does not bear his signatures. He, thus, states that a thorough investigation needs to be conducted; there also is an apprehension that he can tamper with the evidence or influence the witnesses and his custodial interrogation is required.

4. Heard.



CRM-M-10780-2026

5. It would be apposite to refer to relevant paras of the status report filed by way of an affidavit of Deputy Superintendent of Police, Vigilance Bureau Unit, Shaheed Bhagat Singh Nagar dated 26.03.2026, which read thus:

“BRIEF FACTS OF THE CASE:

4. That in compliance of the aforesaid order dated 24.02.2026, the deponent humbly submits that the brief facts of the present case are that the complainant-Mohamad Salim son of Naseerudin, resident of Village & Post Office Shekhupur, Tehsil Nawanshahr, District SBS Nagar, submitted a complaint bearing No.153141 dated 01.07.2025 on the Anti-Corruption Action Line alleging therein that on the intervening night of 28/29.06.2025 at about 02:00 A.M., officials of the Forest Department impounded his tipper, J.C.B. machine, motorcycle and two mobile phones on the allegation of illegal mining on land belonging to the Forest Department. It was further alleged that for the release of the aforesaid vehicles and articles, the Block Officer, Forest Department, Nawanshahr, demanded a bribe of Rs.1,50,000/- from the complainant through Shamsheer Singh, a daily wage worker. The complainant further alleged that out of the demanded amount of Rs.1,50,000/-, he had paid Rs.1,10,000/-, out of which Rs.45,000/- was paid in cash and Rs.65,000/- was transferred through UPI into the bank account of Amarjit Thind.

5. That the deponent humbly submits that the said complaint was marked by the Vigilance Bureau, Punjab to the Senior Superintendent of Police, Vigilance Bureau, for conducting verification, which was further marked to the Deputy Superintendent of Police, Vigilance Bureau, Unit SBS Nagar. Thereafter, the Deputy Superintendent of Police, Vigilance Bureau, Unit SBS Nagar, got the verification conducted through the In-Charge, Vigilance Bureau Unit, SBS Nagar.

ROLE OF THE PETITIONER & OUTCOME OF THE VERIFICATION REPORT:

6. That the deponent humbly submits that the matter was thoroughly inquired by the inquiry officer and it was revealed during verification that on the intervening night of 28/29.06.2025, at around 02:00 AM. during checking of the forest area in Village Garhi Bharti, District SBS Nagar, Chirag Lakhotra, Block Officer/Incharge Forest (petitioner), along with Tejinderpal Singh, Forest Guard, Shamsheer Singh, Daily Wage Worker, and other members of the team, recovered three



CRM-M-10780-2026

vehicles in total i.e. (i.) one tipper, (ii.) one JCB machine, (iii.) one motorcycle along with two mobile phones from the spot where illegal mining was being carried out by Mohamad Saleem (complainant) and Alam. Thereafter, the said vehicles and articles were taken into possession by the petitioner-Chirag Lakhotra and his team.

7. That the deponent humbly submits that it was further transpired during verification that thereafter, at the instance and on the directions of the petitioner- Chirag Lakhotra, the accused-Shamsher Singh started negotiating with the complainant and informed him that the complainant has to pay a fine of Rs.6,00,000/-for the offence in terms of the rules as prescribed. However, he further conveyed that if the complainant wanted to avoid such action/penalty, the complainant would have to pay Rs.2,00,000/- as illegal gratification, upon which his tipper, JCB machine, motorcycle and mobile phones would also be released. Eventually, the deal was settled for Rs.1,50,000/-.

8. That the deponent humbly submits that it was further revealed that the complainant paid Rs.45,000/- in cash to accused- Shamsher Singh on 29.06.2025, at the instance of the accused- Chirag Lakhotra (petitioner). On the same day, again on the asking of the accused- Shamsher Singh, acting on the directions of the petitioner-Chirag Lakhotra, the complainant further transferred Rs.25,000/-through UPI to the bank account of the co-accused Amarjit Thind. After receiving Rs.70,000/-bribe amount, the tipper, motorcycle and two mobile phones were released to the complainant, however the JCB machine was not released. Thereafter, on 30.06.2025, again at the instance of the petitioner-Chirag Lakhotra through accused-Shamsher Singh, the complainant transferred another Rs.40,000/-through Google Pay to the bank account of the co-accused Amarjit Thind. During inquiry, it was further revealed that the accused-Amarjit Thind further transferred the said amount to the bank account of Jaswant Singh, Daily Wage Worker, who withdrew Rs.40,000/- through ATM and handed over the said amount to accused-Amarjit Thind. It further came on record that after paying Rs.1,10,000/- in total, the complainant informed the accused-Shamsher Singh that he was unable to arrange the remaining amount of Rs.40,000/- and could arrange only Rs.20,000/-, upon which the accused-Shamsher Singh asked him to meet and pay the said amount. However, on gaining suspicion that the complainant had approached the Vigilance Bureau, the petitioner- Chirag Lakhotra informed suspect Shamsher Singh through Whats App not to receive any further money from the complainant. The said act of the petitioner duly connected him with the



CRM-M-10780-2026

commission of the crime. Thereafter, in an attempt to cover up the matter, the accused- Chirag Lakhotra (petitioner) deposited the amount of Rs.1,10,000/- as fine into the account of the Punjab Government on 01.07.2025, showing it as fine amount recovered from the complainant, whereas, upon calculation of the fine as per the applicable rules, the amount comes to Rs. 4,00,000/-. Copy of screen shot of Whats App Chat is attached herewith as Annexure R1.

9. That the deponent humbly submits that it was further revealed during inquiry that the recovered JCB machine, tipper, motorcycle and mobile phones were initially not reflected in the damage report prepared by the accused-Tejinderpal Singh, Forest Guard, and only mining of 4 square meters of land was mentioned in the damage report. It was further came on record that no sand or earth was taken into possession by the checking team from the spot. However, later on, upon coming to know that the complainant had approached the Vigilance Bureau, the recovery of the JCB machine and motorcycle was subsequently mentioned in the damage report by the accused-Tojinderpal Singh in order to conceal the crime, which appears to have been made using a different pen and ink. Copy of damage report is attached herewith as Annexure R2.

10. That the deponent humbly submits that it was further revealed during inquiry that the accused including the petitioner-Chirag Lakhotra willfully altered the time of recovery in the official record in order to help the accused after receiving bribe amount. Instead of reflecting the actual recovery conducted at about 2:30 A.M. on the intervening night of 28/29.06.2025, the record was manipulated to show the time of recovery as 6:00 A.M. on 29.06.2025. This alteration appears to have been made by the accused with the intention of reducing the amount of fine, as the fine amount is double in cases where recovery is effected during night hours.

11. That the deponent humbly submits that it was further revealed during inquiry that as per the tower location records of the mobile phones belonging to the accused namely Chirag Lakhotra (petitioner) and Tejinderpal Singh, as well as the complainant Mohamad Saleem, their respective locations were traced in proximity to the place/site of illegal mining during the intervening night of 28/29.06.2025, particularly between 02:00 A.M. and 03:00 A.M. Copy of record pertaining to tower location of the accused is attached herewith as Annexure R3.

12. That the deponent humbly submits that the actual fine payable by the complainant was Rs.4,10,400/-, however the accused- Chirag hotra (Block Officer/In-charge Forest) (petitioner), Tejinderpal Singh (Forest Guard) and Shamsher Singh (Daily Wage Worker), in connivance with each other,



CRM-M-10780-2026

threatened the complainant that he would have to pay Rs.6,00,000/- as fine. The accused including the petitioner further agreed to accept Rs.1,50,000/- as illegal gratification for not taking action against the complainant and in pursuance thereof Rs.1,10,000/- was obtained by the accused persons including petitioner-Chirag Lakhotra from the complainant for the said purpose. The accused including the present petitioner caused loss to State exchequer by receiving alleged illegal gratification.”

6. In **Devinder Kumar Bansal vs. State of Punjab**, (2025) 4 SCC 493, while declining to interfere with the order of the High Court dismissing the anticipatory bail filed by the petitioner, a public servant, in a case wherein the bribe amount was collected by co-accused on behalf of him, Hon’ble the Supreme Court had observed that, “The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroled in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner accused for grant of anticipatory bail and there is no frivolity in the prosecution.” Further it held thus:

“12. Further it is seen that, Section 7 speaks of the "attempt" to obtain a bribe as being in itself an offence. Mere demand or solicitation, therefore, by a public servant amounts to commission of an offence under Section 7 of the P.C. Act. The word "attempt" is to imply no more than a mere solicitation, which, again may be made as effectually in implicit or in explicit terms.

13. Actual exchange of a bribe is not an essential requirement to be prosecuted under this law. Further, those public servants, who do not take a bribe directly, but, through middlemen or touts, and those who take valuable things from a person with whom they have or are likely to have official dealings, are also



CRM-M-10780-2026

punishable as per Sections 10 and 11 of the Act 1988 respectively.

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23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

24. If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption."

7. As regards the concession of anticipatory bail, in **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon'ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

"6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

"438. Direction for grant of bail to person apprehending arrest.-

(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-



CRM-M-10780-2026

- (i) The nature and gravity of the accusation;
- (ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

8. Hon’ble The Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of



CRM-M-10780-2026

the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

9. As per the investigation of the Vigilance Bureau, it has emerged that, it was at the instance of the petitioner that negotiations for illegal gratification were carried out and settled at Rs.1,50,000/-, wherein even a money trail was established, as out of the said amount, Rs.1,10,000/-, for which an attempt was made to give a semblance of legitimacy by depositing it as fine, despite the actual one being significantly higher, was paid partly in cash and partly through digital transfers routed through co-accused, a tea-vendor, who was in no official capacity to receive the alleged amount of penalty. Upon receipt of a substantial portion of the bribe amount, certain seized articles were released, indicating *quid pro quo*, while the material further reflects that upon suspicion of vigilance proceedings, he instructed the co-accused through WhatsApp not to receive further payment. Specific and serious allegations have been levelled against the petitioner, a Block Officer, who in the colour of his official duty is alleged to have not only actively participated in the commission of the offence, as the tower location data placed



CRM-M-10780-2026

him at the spot during the relevant time, but also manipulated and forged public record, including alteration of the time of recovery; interpolation in the damage report to conceal the true nature thereof and there was absence of the signature of the complainant on the penalty form. In these circumstances, the petitioner has failed to demonstrate the absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon'ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP (Crl.) No. 18200 of 2025, decided on 06.01.2026.

10. In light of the judgments referred to above, this Court is of the view that permitting the petitioner to join the investigation under the protective umbrella of pre-arrest bail would impede a fair, thorough, and effective investigation aimed at eliciting the truth, particularly when there exists a reasonable apprehension of his influencing witnesses and tampering with evidence, and his custodial interrogation has been stated to be imperative to unearth the larger conspiracy, trace the flow of money, and identify other beneficiaries.

11. Accordingly, the present petition is dismissed, being devoid of merit.

12. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

30.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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