

**In the Court of Sh.Harbans Singh Lekhi,
Special Judge, Faridkot.
(Unique Identification No.PB0113)**

Case Type	BA
Case No.	189 of 18.3.2021
Registration/CIS No.	296/2021
CNR No.	PBFD01-000972-2021
Date of Order	7.4.2021

Hardev Singh ASI, No.595/Faridkot, aged about 50 years, son of Ram Singh, resident of village Bihlewala, District Faridkot.

.....Accused/applicant

Versus

State

F.I.R.No.04 of 11.2.2021

Offence under Sections 7,7-A of Prevention of Corruption Act, 1988, amended by Prevention of Corruption (Amendment) Act, 2018 and 120-B IPC

Police Station Vigilance Bureau Ferozepur Range, Ferozepur

Application under Section 438 Cr.P.C.

Present:- Sh.Shiv Kartar Singh Sekhon,Advocate, counsel for applicant-accused.
Sh. Amit Goklaney, Additional Public Prosecutor for the State.

ORDER

This order shall dispose of bail application under Section 438 Cr.P.C., filed by accused-applicant Hardev Singh, ASI, in case FIR No.04 dated 11.2.2021, under Sections 7,7-A of Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (Amendment) Act, 2018

and 120-B IPC, Police Station Vigilance Bureau Range Ferozepur.

2. Notice of the bail application was issued to the State and learned Additional Public Prosecutor for the State appeared and contested the same. Police record was summoned and received.

3. I have heard learned counsel for accused-applicant and learned Additional Public Prosecutor, and have carefully gone through the record of case.

4. Learned counsel for applicant-accused has argued that accused-applicant has not committed any offence and has been falsely implicated in this case. Present FIR has been registered against the accused-applicant, in violation of mandatory provisions of Section 17-A of the Prevention of Corruption Act. Both the complaints filed by Charanjit Kaur have been inquired collectively by the vigilance department, but both the applications have no connection inter se and were filed one month apart from each other. Since the complaint filed by complainant and the application filed by employees of liquor contractor, were relating to the same occurrence, so, matter was decided by the accused-applicant at the same time and both the parties were summoned to verify the version and counter version. Both the parties reached Police Post Golewala alongwith panchayat and respectables of the area and matter was sort out between the parties. As during the occurrence, both the parties had suffered damage to their property, so it was resolved that both the parties shall compensate each other for the loss, which had occurred during the occurrence. It was further resolved that LCD

belonging to complainant Charanjit Kaur Party, which was got damaged during the occurrence, shall be got repaired by Karam Singh party and the damage caused to the vehicles of Karam Singh party, which was calculated to be Rs.15,000/- was to be borne by complainant Charanjit Kaur party. Both the parties were directed to complete their part of bargain and bring the same at Police Post Golewala. Thereafter, both the parties after settling their claims mutually and satisfying themselves, got recorded their statements to accused-applicant that they would have no objection if their applications are cosigned being not actionable. Thereafter, accused-applicant prepared reports regarding both the applications and sent the same to SHO, Police Station Sadar Faridkot. Then HC Ninderpal Kaur registered FIR No.110 dated 12.8.2018, under Section 61 of Excise Act, on Chinderpal @ Sukha @ Ghulla, brother of complainant Charanjit Kaur, and recovered 45 liter lahan. After registration of said FIR, complainant filed complaint No.171/2018, after conspiring with other family members, against accused-applicant and other officials, by twisting the facts. During enquiry in the said complaint, statements of Charanjit Kaur, Maura Singh and others were recorded. Accused-applicant also joined the said inquiry and cooperated therein. The allegations were found to be unfounded and complaint filed by Charanjit Kaur was ordered to be consigned. He further argued that in all there are 34 FIRs registered against family of complainant Charanjit Kaur, out of which 10 have been registered against brother of complainant namely Sinderpal @ Sukha @ Ghulla, 16 have been registered against

father of complainant, three against mother of complainant and four have been registered against brother of complainant namely Vakeel Singh. The vigilance failed to comply with their departmental guidelines, wherein it is stated that prior to acting on complaint, the credential of complainant must be verified, in order to ascertain the genuineness of complaint and the complainant. Complainant and her family nursed a grudge against accused-applicant, as during his tenure as Incharge, Police Post Golewala, he did not bowed under pressure asserted by the complainant and her family and applied for extension of limitation period under Section 75(2) of Punjab Excise Act, to submit challan against Shinderpal Singh @ Sukha @ Ghulla, in two cases and against Sukhvir Singh @ Sukha in one case. They both are brothers of Charanjit Kaur. Accused-applicant has already joined the proceedings in relation to present case. Moreover, an application for further investigation by the senior officer, has already been moved on behalf of accused-applicant, before the Chief Director, Vigilance Bureau, Punjab Chandigarh and in pursuance to that application, further investigation has been marked to Surjit Singh, IPS, DIG Vigilance, Chandigarh. Although present case is registered on the basis of complaints of Charanjit Kaur, but somehow Sh.Raj Kumar, PPS, DSP, Vigilance, has stepped into the shoes of complainant. Said Raj Kumar, DSP is complainant and Investigating Officer of the present case and this is against the cardinal principles of criminal jurisprudence and against the law laid down by the Hon'ble Supreme Court. Therefore, said investigation done by Raj Kumar, DSP, is no investigation in the eyes of

law. Nothing is to be recovered from accused-applicant. Accused-applicant is not required for custodial interrogation, but still he is ready to join investigation and prayed that accused-applicant be granted pre-arrest bail.

5. On the other hand, learned Additional Public Prosecutor for State has opposed the bail application and contended that FIR has been registered against accused-applicant and others, on true facts. He further argued that allegations against accused-applicant are serious in nature and his custodial interrogation is required, so, he is not entitled for concession of pre-arrest bail and prayed that application be dismissed.

6. I have given my thoughtful consideration to the rival contentions of learned counsel for applicant-accused and learned Additional Public Prosecutor for the State.

7. Perusal of record reveals that FIR No.04 dated 11.2.2021, under Sections 7,7-A of Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (amendment) Act, 2018 and 120-B IPC, has been registered against accused-applicant and others, at Police Station Vigilance Bureau Range Ferozepur, on the allegations that in an enquiry conducted by Raj Kumar, DSP, Vigilance Bureau, Unit, Faridkot, on the complaint made by Wakil Singh, it was found that a quarrel had taken place between Charanjit Kaur, sister of Wakil Singh and workers of liquor Vendors namely Jaskaran Singh and Babbu Singh and in this regard a complaint was filed by Charanjit Kaur, at Police Post Golewala, but ASI Hardev Singh did not take any action on the said application. Thereafter,

on 14.7.2018, Charanjit Kaur filed application before SSP, Faridkot. On 11.8.2018, Charanjit Kaur and others were called at Police Post Golewala, where a compromise deed was written and their signatures were obtained on the said deed, but signatures of opposite party were not obtained. Then on 12.8.2018, HC Gurmail Singh and HC Gurcharan Singh, who were posted at Police Post Golewala, on a Motorcycle, came at the house of Wakil Singh and took his elder brother Chhinderpal Singh @ Sukha with them. When Wakil Singh and others went to Police Post Golewala, they came to know that a false case of lahan has been registered against Chhinderpal Singh @ Sukha, by HC Ninderpal Kaur, on which, Wakil Singh etc. alongwith Lakhwinder Singh @ Ladi, met Police Post Incharge ASI Hardev Singh, who asked them that they will also implicate their woman folk in false cases. Due to this reason, Wakil Singh etc. sent Lakhwinder Singh @ Ladi to make a talk with ASI Hardev Singh, but to solve the matter, ASI Hardev Singh demanded Rs.50,000/- from him. Then on the same day i.e. 12.8.2018, in the evening, Wakil Singh and Lakhwinder Singh @ Ladhi, handed over Rs.5000/- to ASI Hardev Singh and HC Gurmail Singh, who was holding a *nakka* at village Jhariwala. On the next day, Lakhwinder Singh @ Ladi took Rs.25,000/- from Wakil Singh etc., for giving the same to ASI Hardev Singh. Thereafter Wakil Singh alongwith his mother went to Police Post Golewala and met ASI Hardev Singh, where he demanded Rs.20,000/- more as illegal gratification. On the requests of Wakil Singh, ASI Hardev Singh agreed to receive Rs.15,000/- and this conversation, took place with Lakhwinder

Singh @ Ladi and ASI Hardev Singh, regarding demand of illegal gratification, was recorded by Wakil Singh in his mobile phone. According to audio recording, as per conversation between Wakil Singh and ASI Hardev Singh, ASI Hardev Singh asked to hand over one LCD and Rs.15000/- cash to C Gurmeet Singh, No.974/Fdk, Police Post Golewala. Talk of C Gurmeet Singh was got made with ASI Hardev Singh, by Wakil Singh and accordingly, C Hardev Singh received one LCD and Rs.15000/- in cash as illegal gratification. By doing this act, ASI Hardev Singh, C Gurmeet Singh and Lakhwinder Singh @ Ladi have committed offence under Sections 7,7-A of Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (amendment) Act, 2018 and 120-B IPC.

8. The allegations against accused-applicant are serious in nature. Piaro wife of Kashmir Singh has already filed an IA application praying for arrest of accused Hardev Singh stating therein that he is threatening and pressurizing her family for effecting compromise. So, keeping in view the facts and circumstances of the case, I do not consider it a fit case for grant of pre-arrest bail to accused-applicant. Accordingly, bail application stands dismissed. However, any observation given above, shall have no bearing on the merits of the case. Police record be returned. File be consigned to record room.

Pronounced.

Dated:-7.4.2021

(Harbans Singh Lekhi)
Special Judge,
Faridkot.
(Unique Identification No.PB0113)

Present:- Sh.Shiv Kartar Singh Sekhon, Advocate, counsel for applicant-accused.
Sh. Amit Goklaney, Additional Public Prosecutor for the State.

Remaining arguments heard. Vide my separate detailed order of even date, bail application filed by the applicant-accused, has been dismissed, as detailed therein. IA application No.1 dated 31.3.2021, filed by Piaro, also stands disposed of. Bail application file be consigned to the record room.

Pronounced.

Dated:- 7.4.2021

Sonia Devi

(Harbans Singh Lekhi)
Special Judge,
Faridkot.
(Unique Identification No.PB0113)