

**In the court of Ms. Palwinder Jit Kaur, Additional Sessions Judge,
Hoshiarpur, UID No. PB0187**

CIS BA No.180-2025

CNR No. PBH001000586-2025

Date of institution: 23.01.2025.

Date of order: **28.01.2025.**

Baljinder Singh aged 56 years S.H.O. son of Sh. Harbhajan Singh resident of Trimmo Road, Greater Kelash Colony, Sant Nagar, Gurdaspur, Distt. Gurdaspur.

...Applicant.

Vs.

State of Punjab.

...Respondent.

FIR No. 05 dated 21.01.2025.

Under Sections: 7 P.C. Act 1988 as amended by P.C. (Amendment Act), 2018 and Section 61 (2) BNS 2023.

Police Station: Vigilance Bureau Range, Jalandhar.

(FIRST APPLICATION FOR ANTICIPATORY BAIL U/S 482 BNSS)

Present: Sh. RP Dhir and Sh. BS Riar Adv. counsel for applicant-accused.
Sh. Charanjit Singh Addl. PP for the State.

ORDER:

1. This order of mine shall dispose off bail application filed by applicant/accused under Section 482 BNSS for grant of anticipatory bail in above mentioned case. Notice of the bail has been given to the State. Learned Addl. PP appeared on behalf of State and contested the bail application. Record has been produced by the Vigilance Bureau and perused.

2. As per prosecution version, the present case has been registered on the basis of statement of Hardeep Kaur wherein she stated that on 17.1.2025, her brother Mandeep Kumar alias Mani was taken by police of PS Garhshankar and on 19.1.2025 when she went to police station Garhshankar to enquire about the whereabouts of her brother, Ct. Kinder Singh met her and

told her that the SHO is going to plant recovery of narcotic substance and injections on her brother and her brother will not be able to get bail for about one year and if they do not plant recovery of narcotic substance, her brother will get bail in about 20-25 days and the said constable Kinder Singh demanded a bribe of Rs. One lac for not planting narcotic substance on her brother, which were to be paid to the SHO Baljinder Singh Malli and upon deliberations, amount was settled at Rs.50,000/-. The complainant had made recordings of the telephonic conversation with Ct. Kinder Singh on 19.1.2025 and 20.1.2025. The complainant further stated that Ct. Kinder Singh demanded Rs.50,000/- from her, but she could not arrange Rs.50,000/- and could arrange Rs.30,000/- only. The said amount was produced before the vigilance department, which led to registration of the present FIR against Ct. Kinder Singh and SHO Baljinder Singh. Subsequent to the FIR, remaining formalities were completed by Vigilance department and a trap was laid and Ct. Kinder Singh was apprehended red handed while accepting illegal gratification of Rs.30,000/-. Apprehending his arrest in the present FIR, the present bail application has been preferred by the applicant-accused Baljinder Singh seeking concession of pre-arrest bail.

3. Learned counsel for the applicant/accused pleaded and argued that applicant/accused is innocent and has not committed any offence. It has further been contended that there is no direct allegation of demand and acceptance against the applicant-accused. The learned counsel further argued that there is no averment in the FIR that the applicant had any time demanded the money or he accepted the money for giving undue advantage of his position. The complainant never met the applicant-accused. If there is any statement of co-accused, the same is not admissible in evidence. No recovery

was effected from the applicant-accused. The learned counsel further contended that no mandatory notice has been served upon the applicant-accused. He has further referred to copy of DDR, produced during the course of arguments and has contended that the applicant-accused was in fact not present in the police station at the time of the recovery from co-accused and has made a plea for grant of concession of anticipatory bail. In support of his arguments, learned counsel relied upon **Sadashiv Mahadeo Yavaluje and Gajnan Shripatrao Solokhe Vs. State of Maharashtra 1990 (1) RCR (Criminal) 174, State of Kerala and another Vs. C.P. Rao Law Finder Doc Id # 257104.**

4. On the other hand, learned Addl. PP opposed the bail application on the ground that applicant/accused alongwith his co-accused Ct. Kinder Singh entered into a conspiracy to demand illegal gratification of Rs.1,00,000/-, which was then settled to Rs.50,000/-. The demand was on account of illegal consideration i.e. for saving the brother of the complainant. He has further relied upon the audio transcript of the telephonic conversation between the complainant and co-accused Ct. Kinder Singh wherein, the co-accused is demanding bribe at behest of the bail applicant. He has further argued that custodial interrogation of the applicant/accused is required in this case and accordingly prayer is made for dismissal of bail. In support of his arguments learned Addl. PP relied upon **Sanjeev Mathur Vs. State 2010 (6) RCR (Criminal) 33.**

5. IO Inspector Vijay Pal Singh also appeared alongwith police record and suffered statement this is first anticipatory bail application filed by

the applicant. No such bail application of the applicant has previously dismissed or pending in any court of competent jurisdiction.

6. I have heard the learned counsel for the applicant-accused, learned Addl. PP for the State and perused the record.

7. Perusal of record shows that the present FIR has been registered against the applicant/accused and his co-accused for hatching a conspiracy for demand of illegal gratification of Rs. 50,000/- for an illegal consideration i.e. by giving assurance of saving the brother of the complainant from registration of case under provisions of NDPS Act. for clearing the notice served upon the complainant. There is telephonic conversation on the police file between the complainant and co-accused Ct. Kinder Singh and its transcript is also on record, perusal of which shows that the co-accused is demanding illegal gratification from the complainant at the behest of the applicant-accused. The applicant-accused being SHO cannot be heard to say that he was not present in the police station and as such, there is no involvement on his part into the present matter. If the concession of pre-arrest bail is granted to the applicant-accused at this stage, the same will not be in the interest of investigation, as the applicant-accused is to be interrogated regarding his role and involvement in the crime. In such like cases the custodial interrogation of accused is very much required as the investigation is at initial stage. So far as the case law relied upon by the learned counsel for the applicant-accused, the same are not applicable to the facts of the present case at this stage, **as the same pertains to the final trial of the case**, whereas in the present case, the **investigation is yet to begin qua the applicant-accused**. The case law **Sanjeev Mathur (supra)** relied upon by learned Addl. PP for the State is fully applicable to the present case. The allegations are against the police official, who is a public servant and the said

allegations does not deserve the extra ordinary relief of pre-arrest bail. So, keeping in view the seriousness and gravity of the allegations, no ground is made out to grant the benefit of pre-arrest bail to the applicant-accused. Therefore, this bail application of the applicant-accused is dismissed. Police record be returned. Bail file be consigned to the record room, Hoshiarpur.

Pronounced in open court.

Dated: 28.01.2025.

Anil Kumar, JW.

Direct Dictation.

(Palwinder Jit Kaur)
Addl. Sessions Judge,
Hoshiarpur.
UID No.PB-0187.

CIS BA No.180-2025

CNR No. PBH001000586-2025

Baljinder Singh

Vs. State

Present: Sh. RP Dhir and Sh. BS Riar Adv. counsel for applicant-accused.
Sh. Charanjit Singh Addl. PP for the State.

Arguments heard. Vide my separate detailed order of even date, the bail application is dismissed. Police record be returned. Bail file be consigned to the record room.

Date of Order : 28.01.2025.

(Palwinder Jit Kaur)

Addl. Sessions Judge,
Hoshiarpur
(UID No.PB 0187)

Anil Kumar, JW

Direct dictation.