

CNR No: PBPT010006022020 CIS No: BA/172/2020
INSPECTOR VIJAY KUMAR VS STATE OF PUNJAB etc.

Bail Application under Section 439 Cr.PC

Present: Sh. Narinderpal Singh Warraich Advocate for the accused/
applicant.
Sh.Charanjit Prashar, Additional PP for the State.

ORDER

Police record produced. The same has been perused.

2. As per the prosecution version, complainant Rajwinder Pal son of Vijay Kumar resident of Preet Nagar, Bathinda, made a complaint against Vijay Kumar, Incharge CIA, Samana and others wherein it is mentioned that on 18.10.2019, he along with his friends was present in the house of his cousin Suresh Kumar at Patiala, regarding a function and Inspector Vijay Kumar, Incharge CIA, Samana along with others came there and conducted the search of house without any reason. Nothing objectionable was recovered. Thereafter Inspector Vijay Kumar along with other police officials forcibly snatched some gold items and purse of the complainant, his cousin brothers and friends and took away other valuable articles from the house of his cousin. They were forcibly taken to CIA Samana, where they were beaten mercilessly and locked up illegally. On asking the reason, they were threatened to be killed by showing fake encounter. On 19.10.2019 said Inspector Vijay Kumar again beat the applicant, his cousin brothers, friends and servant and threatened to implicate them in a false NDPS Act cases if demand of Rs.50 Lacs was not met.

3. The complainant/applicant is running a mobile shop at Bus Stand, Bathinda. He showed his helplessness to pay such a huge amount

but complainant/applicant along with his associates agreed to pay Rs.30 Lacs to Inspector Vijay Kumar. Out of which Rs.11 Lacs were paid at Bathinda to him. The remaining amount was ordered to be paid to Jonny Mittal @ Jonny Bansal, who is a middleman of said Vijay Kumar. After being released from custody on 20.10.2019, applicant handed over Rs.14 Lacs to said Jonny Mittal at Bathinda and Rs.5 Lacs more were paid on 21.10.2019 to Jonny Mittal. So, prayer was made for taking necessary action against the guilty person. On this, the FIR was registered at PS Civil Lines.

4. Apprehending his arrest, the applicant has filed this bail application stating that he is falsely implicated in this case. A false case has been got registered against him on the false allegations. The complainant has falsely stated that two wall clocks, one music system, one cylinder, one LED and LED box are still in illegal possession of the applicant whereas no such occurrence as alleged has taken place. The FIR in this case has been registered after a delay of 40 days from the alleged occurrence. The long delay has been utilized by the complainant to concoct a false version. The applicant is a dedicated officer of Punjab Police who had been acting against law breakers, Drug Mafia, Smugglers and the politicians who support such elements. The applicant being in-charge CIA Samana has got several FIRs registered against various offenders in which huge recovery of the narcotics has been effected and apart from that he has solved terrorism related cases also in which huge recovery of arms and ammunition was made and huge quantity of the liquor was also recovered at his instance, the detail of which is given in the para no.8 of the application. Further, the

applicant being Incharge CIA Staff Bahadar Singh Wala and as SHO Longowal in Sangrur District, has got registered various FIRs against offenders in which huge recovery of the narcotics was also effected along with huge quantity of the arms and ammunition, the details of which are given in para no.9 of the application. In fact in August 2018 the applicant received information against one Ravinder Singh @ Ravi, who is a wine smuggler as an FIR was registered against one Surjit Singh under the Excise Act. During the interrogation said Surjit Singh also disclosed the name of Ravinder Singh. Thereafter the applicant received telephonic call from one Sachin Kamboj, PA to MLA, Samana and said Sachin Kamboj called the applicant to oblige him against the unnecessary harassment to Ravinder Singh and used unparliamentary language. He also threatened the applicant which was recorded by the applicant, the transcript of the same has also been given in the bail application. He narrated the entire story to the wife of MLA, Samana and applicant played the audio recording between him and Sachin Kamboj. Applicant was not ready to oblige Sachin Kamboj. Due to this the local MLA felt humiliated and various other politicians lend support to MLA, Samana. Several cases were registered against Ravinder Singh @ Sarpanch who has political patronage. So, various criminal persons wanted to dislodge the applicant for their personal gain. Even a news item appeared regarding stern behavior of the applicant against smugglers was published in the newspaper Ajit on 22.11.2019. The political leaders of the area started a campaign against him. In the end of September and October 2019, the relations between the applicant and his rivals widened and applicant was being pressurized to

allow persons to keep stock of fire works. The smugglers and bad elements mislead their political masters. Even video footage of the Halqa MLA, Samana is very relevant. The criminals have joined hand with Rajwinder Singh complainant to falsely implicate the applicant. The complainant is having a criminal background also and FIR no.61 dated 14.05.2015, under Section 13 of Gambling Act at police station Raman District Bathinda is also registered against him. The applicant does not know any person by the name of Johny Bansal but he may have called him on one or two occasions. He does not know at whose behalf he may have made him a call. Even the 4 Congress MLAs put pressure upon the Punjab Congress President and a pressure was built to victimize the applicant branding him as a corrupt officer. Political leaders accompanied the complainant in the present case to get his statement recorded at Vigilance Bureau, Patiala. In order to further pressurize the case was transferred to Vigilance Bureau inspite of registration of the case at PS Civil Lines. The applicant is a victim and he is ready to join the investigation. His custodial interrogation is not required. He is a permanent employee of the Government. There is no apprehension of his absconding. So, in these circumstances, it is prayed that the applicant be granted anticipatory bail. In support of his contentions, he has relied upon the following case law:-

1.	<i>1980 CrL LJ 1125, Gurbaksh Singh Sibbia etc. Vs The State of Punjab.(SC)</i>
2.	<i>2018 (2) RCR (Criminal) 131, Dataram Singh Vs State of Uttar Pradesh and another.(SC)</i>

5. Whereas the learned Additional Public Prosecutor opposed the bail application stating that there are serious allegations of the

corruption and false implication of innocent persons against applicant and whatsoever has been mentioned by the applicant in his bail application, there is no truth in the same. The applicant is not a victim. His custodial interrogation is required. There is sufficient evidence against the applicant on record. The story mentioned in the application has no concern with the present matter. So, prayer is made for dismissal of the bail application.

6. Heard. Record perused. From perusal of the record it reveals that the FIR has been registered against the applicant for the offences under Sections 342, 365, 379B, 120-B IPC and Sections 7, 8 & 13 of the Prevention of Corruption Act at the instance of one Rajwinder Pal. There may be criminal background of the complainant. The applicant had been working as a police officer at various places and there is no doubt that several FIRs might have been got registered by the applicant against offenders but as per the record there is a statement of one Suresh Kumar son of Ravinder Kumar recorded under Section 161 Cr.PC against the applicant as well as the statement of one Vikas Bansal land lord of applicant who was asked by the applicant to depute some person to collect the amount of Rs.11 Lakh for the applicant at Bathinda from the brother of the complainant. The said Vikas Bansal has rented out a portion of his house to the applicant. There is statement of one Pawan Jindal under Section 161 Cr.PC dated 3.1.2020 who has collected Rs.11 Lacs from one Pankaj Kumar for the applicant as per his demand and further there is statement of said Pankaj Kumar recorded under Section 161 Cr.PC, who has also got his statement recorded under Section 164 Cr.PC before the learned Judicial Magistrate Ist Class in this regard. Further there are

statements of police officials i.e. HC Malak Singh no.2756/Patiala, CIA Samana deposing about the raid conducted at Dhama Majra by the applicant while being CIA Incharge and recovery of various articles from the said house regarding which there is no record in the police station as well as regarding the arrest of the said persons and there are statements of C.Parminderjit Singh, no.3296/ Patiala and the statement of LC Kulwinder Kaur, no.3457/PTA, CIA Staff, in this regard. Further, there is statement of Suresh Kumar under Section 161 Cr.PC. The said statements seems to have no concern with the story mentioned by the applicant in the bail application, rather the same are incriminating in nature against the applicant and serious allegations have been leveled against the applicant. There are no arguments on these points by the applicant.

7. So, keeping in view the said circumstances, there is no force in the arguments advanced by the learned counsel for the accused/ applicant and the case law cited supra is not applicable to the facts of the present case.

8. In these circumstances, the applicant is not entitled to grant of extra ordinary relief of anticipatory bail and custodial interrogation of the applicant is required. Hence, the bail application filed by the applicant stands **dismissed** being devoid of any merits. Police record be returned. This file be consigned to the record room.

Pronounced

Date of Order: 20.01.2020

Braham Kumar
Stenographer-I

(Shiv Mohan Garg)
Addl. Sessions Judge,
Patiala / UID No.PB0164