

2025:PHHC:074008



154.

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

CRM-M-30329-2025

Date of decision: 28.05.2025

Kewal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Bhandowal, Advocate, and
Ms. Manveer Kaur, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner in case FIR No.13, dated 05.05.2025, under Section 7 of Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Flying Squad-1, District SAS Nagar.

2. Learned counsel for the petitioner has strenuously contended that the petitioner has been falsely implicated in the present FIR (Annexure P-1), which pertains to allegations of demanding a bribe of Rs.60,000/- in collusion with the co-accused, Balkar Singh, purportedly as illegal gratification for providing a favourable inquiry report concerning the complainant. It is submitted that the alleged recovery of the tainted money was effected not from the petitioner but solely at the instance of the

co-accused, Balkar Singh, Superintendent, Panchayat Samiti Office, Amloh.

3. Drawing attention to FIR (Annexure P-1), learned counsel has emphasised that the case of the prosecution is primarily built upon an unauthenticated audio recording, which, in his submission, does not attract the ingredients of the offence under Section 7 of the PC Act against the petitioner. It is further contended that the petitioner, who has been serving as a Patwari for the past five years at the Panchayat Samiti, Amloh, had no role, much less any direct involvement, in the inquiry alleged to be pending against the complainant.

4. Additionally, it is argued that the inquiry report concerning the complainant had already been submitted on 29.03.2024, prior to the date of the alleged demand thereby eliminating any occasion or motive for the petitioner to solicit bribe.

5. I have heard learned counsel and perused the material placed on record.

6. The case of the prosecution is not premised on an oral complaint alone, but is fortified by documentary and corroborative material, including an audio recording, trap proceedings conducted in accordance with law, and the recovery of tainted currency notes from the co-accused. As per the FIR, an inquiry was underway regarding alleged embezzlement of auction money concerning shamlat land, under the supervision of the Additional Deputy Commissioner, Fatehgarh Sahib.

7. It is specifically alleged that the petitioner, a public servant discharging duties as a Patwari, along with his co-accused, Balkar Singh, demanded an illegal gratification of Rs.60,000/- from the complainant in order to facilitate a favourable report in the said inquiry.

8. The gravity of these allegations reflects a serious abuse of official position and a breach of public trust. The claim of the petitioner regarding lack of direct involvement is a matter of factual determination which cannot be conclusively addressed at this stage while considering a petition for grant of anticipatory bail. Likewise, the contention that the inquiry report had already been submitted on 29.03.2024 does not, by itself, rule out the possibility of prior or subsequent misconduct, particularly in the context of the alleged illegal demand and quid pro quo.

9. It is well settled law, and reaffirmed by the Hon'ble Supreme Court in *Devinder Kumar Bansal Versus State of Punjab, 2025 INSC 320* that anticipatory bail in cases involving offences under the Corruption Act is to be granted only in the rarest of rare circumstances. The court is required to be prima facie satisfied either of false implication, political vendetta, or manifest frivolity in the complaint.

10. In the present case, no such circumstances are made out. On the contrary, the specific allegations supported by preliminary material including the trap proceedings, indicate a prima facie involvement of the petitioner in the commission of the alleged offence.

11. In view of the seriousness of the allegations, the position of trust held by the petitioner as a public servant, and the need for thorough

investigation through custodial interrogation, this Court finds no ground to extend the extraordinary concession of the anticipatory bail to the petitioner.

12. Present petition stands dismissed accordingly.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 28, 2025
sanjeev

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