



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

210

CRM-M-30774-2024

Date of decision: 07.01.2025

RAJPAL SINGH

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr.Nikhil Ghai, Mr.Nikhil Thamman and
Ms.Malini Singh, Advocates for the petitioner.

Mr.Jasdeep Singh Gill, Addl.A.G., Punjab.

Mr.Manjinder Bhullar, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition is for grant of anticipatory bail to the petitioner in case FIR No.14 dated 04.06.2024 under Sections 7 and 7-A of the Prevention of Corruption Act, 1988 (Amended) Act, 2018 and Section 120-B of the Indian Penal Code, 1860 registered at Police Station Vigilance Bureau, District Bathinda.

2. Learned senior counsel for the petitioner *inter alia* contends that the petitioner was an outsourced employee and his work was only restricted to the operation of the computers in the Municipal Corporation. There was no audio/video recording of the petitioner of either making any demand of extraneous consideration or accepting the same.



3. Learned State counsel, on instructions, has not disputed the submissions made by the learned senior counsel for the petitioner qua there being no audio/video recording of the petitioner demanding or accepting any bribe from the complainant. However learned State counsel has submitted that when co-accused Jitender Singh was caught red handed, a diary was recovered from his possession wherein it came to light that part of the bribe money was also to be shared with petitioner. He, on further instructions, submits that the petitioner in terms of order dated 04.07.2024 passed by a Coordinate Bench of this Court has although joined investigation but has failed to cooperate as he has been evasive qua the involvement and role played by the co-accused coupled with the non recovery of bribe money. A prayer has, therefore, been made for dismissal of the instant petition as the custodial interrogation of the petitioner would be required.

4. I have heard learned counsel for the parties and have perused the relevant material placed on record.

5. It needs to be reiterated that “non-cooperation in investigation” must be interpreted with precision and cannot be equated with the failure of the accused to disclose information about his alleged accomplices or for facilitating the recovery of bribe money.

6. ‘Cooperation’ involves joining investigation, providing truthful and relevant information, and assisting in uncovering facts within the knowledge of the accused, but it does not extend to compelling self-incrimination, extracting confessions, or using coercion. Article 20(3) of



the Constitution of India protects individuals from being forced to incriminate themselves, and any investigative methods violating this right are unlawful. The investigating agency must instead rely on independent and lawful methods to gather information rather than pressuring the accused to act against their constitutional safeguards.

7. Insisting on custodial interrogation solely for self incriminatory purposes is unconstitutional and sets a dangerous precedent.

8. Adverting to the present case merely because the petitioner had not provided information qua the involvement and role played by the co-accused and had failed to get the bribe money recovered cannot be a ground to decline his prayer for anticipatory bail and order his custodial interrogation as prayed for by the learned State counsel.

9. In view of the above, since the petitioner has complied with order dated 04.07.2024 and joined investigation, the petition is allowed and interim order dated 04.07.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

January 07, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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