



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

104

CRA-S-1604-SB-2004

Date of decision: September 24, 2025

BALRAJ AND ANOTHER

...Appellants

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Aarti Gupta, Advocate
for the appellants.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The present appeal challenge the judgment of conviction and order of sentence dated 04.08.2004 passed by learned Judge, Special Court, Ferozepur, in case FIR No.148 dated 14.08.2002 under Section 12 of the Prevention of Corruption Act, 1988 (hereinafter referred to as the 'PC Act'), registered at Police Station Sadar Abohar, whereby the appellants were held guilty of the offence punishable under Section 12 of the PC Act, and sentenced as follows: -

Offence(s) under Section	Period of sentence	Fine imposed on each	Period of sentence in default of payment of fine
12 of the PC Act	RI for 2 years	Rs.3,000/-	RI for 4 months

2. As per the case of the prosecution, FIR No.148 dated 14.08.2002 was registered against four persons namely Balraj, Rattan Lal, Radhey Sham and Gheela Singh.

3. It was alleged that on 14.08.2002, ASI Narinder Pal Singh (PW1), Incharge, Police Post Bahawwala, was present along with Head



Constable Darshan Singh (PW2) and Constable Randhir Singh. At that time, the accused persons arrived at the police post in a car bearing registration No.HR-24-E-0414, driven by accused Radhey Sham. The remaining accused alighted and approached ASI Narinder Pal Singh, requesting that Rattan Lal and Lal Chand be discharged in an NDPS case, and further, asking him not to conduct *nakabandi* on the *kachcha* passage, or if ordered by senior officers, to give them advance intimation.

4. In order to secure these favours, the accused allegedly offered illegal gratification. Accused Balraj took out 1 currency note of Rs.1,000/- and 8 currency notes of Rs.500/- each, while accused Rattan Lal produced 25 currency notes of Rs.500/- each and 25 currency notes of Rs.100/- each. The money so offered totaling Rs.20,000/- was produced before ASI Narinder Pal Singh. A recovery memo (Ex.PA) was prepared, and a *ruqa* (Ex.PC) was sent to the police station to Constable Resham Singh, on the basis of which FIR (Ex.PB/1) was registered.

5. On receipt of intimation, Rakesh Aggarwal, DSP, Abohar (PW3) reached the police post. The currency notes of Rs.20,000/- produced by PW1 ASI Narinder Pal Singh were taken into possession vide memo (Ex.PD). The DSP also prepared a rough site plan (Ex.P1). On search of the car bearing registration No.HR-24-E-0414, a bag was recovered containing US \$40, the registration certificate of the car, one revolver .32 bore No.57695, 11 live cartridges, 1 spent cartridge, arms license No.197



belonging to Balraj, and a Panasonic mobile phone. These were seized vide memo (Ex.PE).

6. Upon completion of investigation, copies of all relied-upon documents were supplied to the accused under Section 207 Cr.P.C. Finding sufficient ground, the learned trial Court framed charge under Section 12 of the PC Act, to which all accused pleaded not guilty, and claimed trial.

7. To prove its case, the prosecution examined:-

- PW1 ASI Narinder Pal Singh (complainant),
- PW2 Head Constable Darshan Singh (eyewitness to the occurrence),
- PW3 DSP Rakesh Aggarwal (Investigating Officer).

8. When examined under Section 313 Cr.P.C., all the accused denied the allegations and pleaded false implication.

9. Accused Balraj stated that while travelling to Ludhiana, he had given lift to co-accused, and that his car was stopped at Naka Bahawwala, where an altercation took place with ASI Narinder Pal Singh, leading to their false implication. Accused Radhey Sham claimed he was only driving the car. In defence, DW1 Raj Singh was examined to support the version of the accused.

10. The learned trial Court, on appreciation of evidence, concluded that the prosecution had proved that the accused abetted the commission of an offence under Section 12 of the PC Act by offering illegal gratification of



Rs.20,000/- to a public servant, and accordingly, convicted them and sentenced as already detailed in the earlier part of this order.

11. Learned counsel for the appellant Radhey Sham (appellant No.2) has assailed the impugned judgment on the ground that the prosecution version suffers from inherent improbabilities. It was argued that four persons would voluntarily walk into a police post in broad daylight, and in the presence of uniformed police officers, tender a bribe of Rs.20,000/- for securing release of accused booked under NDPS case, is wholly unnatural and against ordinary human conduct. Such an improbable version, it was contended, detracts from the credibility of the prosecution case.

12. Learned counsel further urged that the explanation furnished by the defence – that the accused were intercepted while travelling, and after an altercation with the police, were forcibly taken to the police station – though discarded by the learned trial Court, cannot be brushed aside as wholly untenable. This explanation, at the very least, as per the learned counsel, raises a reasonable doubt.

13. With respect to appellant Radhey Sham, it was also argued that he was not shown to have offered any money, demanded any favour, or stood to gain from the alleged bargain. His role was confined to driving the vehicle. The recovery of Rs.20,000/- is attributed only to Balraj and Rattan Lal. No witness connects Radhey Sham to the handing over of money. To convict him in the absence of such material would amount of fastening



liability on the basis of mere association, which the settled principles of criminal law do not permit.

14. As regards appellant No.1 Balraj, learned counsel, at the outset, has submitted that she would not press the appeal on merits, but would instead confine her submissions to the plea of leniency in sentencing, pointing out that the occurrence pertains to the year 2002, that more than two decades have elapsed, and that the appellant has already suffered the agony of protracted trial, and is not involved in any other criminal case.

15. *Per contra*, learned State counsel has vehemently supported the impugned judgment, submitting that the prosecution witnesses, being officials witnesses, have consistently supported the case, and the recovery of tainted money lends corroboration. Learned State counsel urged that the collective presence of the accused demonstrates a common design. However, learned State counsel has fairly conceded that no recovery has been attributed to accused Rashey Sham nor was he present inside the police post when the other co-accused offered bribe to PW1 ASI Narinder Pal Singh. It has also been acknowledged that the occurrence dates back to the year 2002 with no subsequent criminal conduct on the part of either of the appellants.

16. I have heard learned counsel for the parties and perused the evidence on record.

17. The prosecution case, though supported by recovery, is not free from doubt insofar as appellant No.2 Radhey Sham is concerned. The



improbability of four persons voluntarily entering a police post and openly tendering bribe money in the presence of uniformed officers, renders the prosecution version somewhat strained. More importantly, the role attributed to accused Radhey Sham is limited to that of a driver. There is no evidence that he offered money, demanded any favour, or stood to gain from the transaction. Pertinently, the recovery of Rs.20,000/- is attributed solely to accused/appellant No.1 Balraj and Rattan Lal.

18. The learned trial Court, in the opinion of this Court, erred in extending liability to appellant No.2 Radhey Sham by treating mere presence as active participation. Criminal liability cannot rest on association alone. The defence version – that the accused were intercepted and taken to the police post after an altercation, though not conclusively established, is at least plausible, and when weighed against the inherent improbabilities of the prosecution case, raised a reasonable doubt. Appellant No.2 Radhey Sham is, therefore, entitled to the benefit of doubt and acquittal.

19. As regards appellant No.1 Balraj, the testimonies of PW1 ASI Narinder Pal Singh and PW2 Head Constable Darshan Singh corroborated by recovery, support the finding of conviction recorded by the learned trial Court. His conviction under Section 12 of the PC Act is, therefore, affirmed.

20. The only question that arises is the appropriate sentence. The occurrence is of the year 2002. More than 23 years have elapsed. The appellants have already undergone incarceration, and the protracted



proceedings have themselves been a source of mental agony. The Hon'ble Supreme Court in ***K.Pounammal Vs. State represented by Inspector of Police, 2025 INSC 1014*** has held as under:-

“9. The prolongation of a criminal case for an unreasonable period is in itself a kind of suffering. It amounts to mental incarceration for the person facing such proceedings. For a person who is convicted and who has appealed against his or her conviction and sentence and who everyday awaits the fate of litigation, spends time in distress. In the present-day system of administration of justice, in which proceedings have often go on protracted unreasonably and therefore unbearably, the passage of long time itself makes the person suffer a mental agony.

10. The aspects in the present case as highlighted above that the incident had occurred more than 22 years ago and that the age of the widow appellant is 75 years who stays alone, the Court finds it appropriate that she may not be made to undergo the imprisonment again. In the totality of the facts and circumstances, the imprisonment already undergone by her is treated to be adequate sentence.

10.1 The sentence awarded to the appellant is accordingly reduced to the actual undergone. At the same time the imposition of fine is required to be increased. The appellant shall be liable to pay fine of ₹25,000/- over and above originally imposed. The amount of fine shall be paid on or before 10th September, 2025.”

21. Applying the aforesaid principle to the present case, the sentence of appellant No.1 Balraj deserves to be modified.

22. The instant appeal *qua* appellant No.2 Radhey Sham is allowed. He is acquitted of the charge framed against him under Section 12 of the PC Act. However, the present appeal *qua* appellant No.1 Balraj is partly



allowed. His conviction under Section 12 of the PC Act is maintained, however, his substantive sentence of rigorous imprisonment for a period of two years is reduced to the period already undergone. The fine imposed by the learned trial shall remain unaltered.

23. Ordered accordingly.

24. The instant appeal stands disposed of in the above terms.

September 24, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*