

2025:PHHC:073998



110.

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

CRM-M-30024-2025

Date of decision: 28.05.2025

Gurdip Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish K. Gupta, Advocate, for the petitioner.

Mr. H.S.Deol, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.20, dated 26.04.2025, under Section 7 of Prevention of Corruption Act, 1988 (as amended by PC (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, Range Amritsar, District Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that there was no occasion or motive for him to demand or accept any bribe, as alleged in the FIR (Annexure P-1). It is submitted that although the petitioner was posted as an Office Kanungo, he had relinquished charge at the relevant place of posting prior to the alleged incident, having been transferred on 06.03.2025 from District Gurdaspur to Talabpur. Hence, as per learned counsel, the

petitioner was in no position to extend any official favour to the complainant on the date of the alleged incident i.e. 18.03.2025.

3. It has been still further submitted that there is an unexplained delay of 14 days in lodging the complaint before the Vigilance Bureau, which, according to the petitioner, creates a doubt regarding the genuineness of the allegations and suggests a motivated and fabricated version. Additionally, learned counsel has submitted that the proceedings stand vitiated due to non-compliance with Section 17A of the Prevention of Corruption Act, as no prior sanction was obtained before initiating proceedings against the petitioner.

4. Notice on motion.

5. On the asking of the Court, Mr. H.S.Deol, Senior DAG, Punjab, accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel for the petitioner and submitted that the allegations against the petitioner are grave and specific. It is argued that despite having been transferred from his post on 06.03.2025, the petitioner deliberately concealed this fact from the complainant and dishonestly demanded a bribe of Rs.1,000/- from him for facilitating the processing and clearance of his salary. The said demand was allegedly made on 18.03.2025 and was video recorded by the grandson of the complainant.

6. It has been further submitted by the learned State counsel, on instructions, that since the petitioner had already ceased to hold the post of Office Kanungo at Gurdaspur on the date of the incident, the alleged act of

demanding and accepting bribe was not in discharge of his official functions. Consequently, the protection and discharge under Section 17-A of the PC Act is not attracted in the present case.

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

8. Prima facie, the allegations against the petitioner are grave and supported by specific factual assertions. As per the case of the prosecution, while posted as Office Kanungo at Tehsil Dinanagar, the petitioner demanded and accepted illegal gratification of Rs.1,000/- from the complainant, who is a Numbardar, purportedly for preparing and forwarding his salary bills. The demand and acceptance of the bribe are stated to have been recorded on video by the grandson of the complainant, forming part of the preliminary inquiry.

9. Furthermore, the petitioner had already been transferred from the post of Office Kanungo, Gurdaspur to Office Kanungo, Talabpur, w.e.f. 06.03.2025. Yet, the demand was allegedly made on 18.03.2025 i.e. after his transfer, when he was no longer authorised to discharge any official duties in relation to the complainant. This factual matrix prima facie indicates that the petitioner misrepresented his position and induce the complainant to part with illegal gratification.

10. The conduct of the petitioner falls outside the scope of his official duties and cannot be construed as an act performed in the discharge of official functions.

11. In view of the foregoing discussion, this Court does not deem it fit to extend the extraordinary concession of 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