

CRM-M-51453-2023

1



IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-51453-2023 (O&M)

Reserved on: 16.10.2023

Pronounced on: 20.10.2023

Raj Jit Singh Hundal

... Petitioner(s)

Versus

State of Punjab & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Vikram Chaudhri, Sr. Advocate with
Mr. Sangram Saron, Advocate,
Mr. Keshavam Chaudhri, Advocate
Ms. Hargun Sandhu, Advocate and
Mr. Digvijay Singh, Advocate
for the petitioner(s).

Mr. Gaurav Garg Dhuriwala, Addl.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	20.4.2023	Vigilance Bureau, F.S.-1, Punjab at Mohali, District SAS Nagar	13(1)(b) read with Section 13(1)(2) of the Prevention of Corruption Act, 1988 as amended vide P.C. (Amendment), Act, 2018.

1. Apprehending arrest, on the allegations that the petitioner's transactions in his bank accounts were much more than his all-known sources of income, he has come up before this Court in the FIR captioned above by filing the present petition on 9.10.2023 under Section 438 CrPC seeking anticipatory bail.

2. In paragraph 68 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	1	12.6.2017	59(2)(b) NDPS Act and 218, 466, 471, 120-B IPC	Special Task Force, SAS Nagar, Mohali.

3. Vide order dated 10.10.2023, this Court had granted anticipatory bail to the



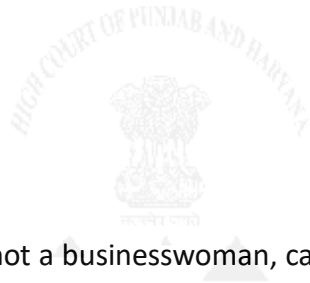
petitioner specifically in view of the contentions raised on behalf of the petitioner, as mentioned in paragraph 6 of the order dated 10.10.2023.

4. Petitioner claims he belonged to a respectable family of martyrs who had laid down their lives for the country. His father was a police officer attacked by the militants, in which the petitioner had lost his mother and sister. Petitioner's brother-in-law had also laid down his life for the country while serving in the Armed forces when he was martyred at the hands of terrorists in Jammu and Kashmir, and he was awarded 'Shaurya Chakra' posthumously. The bail petition further states that the petitioner joined the Punjab Police in 1992 as an inspector, and because of his unblemished and excellent service record, he was promoted constantly. He was awarded the President's Medal for meritorious service in 2013. Such an award is given only after proper verification by the Intelligence Bureau and after collecting other essential inputs by the State.

5. The allegations against the petitioner are being taken from the status report dated 16.10.2023 filed by the concerned DySP, which states that the petitioner had not joined the investigation and, as such, he did not comply with the conditions of bail to join the investigation. However, on this, Mr. Vikram Chaudhri, learned senior counsel appearing on behalf of the petitioner, submitted that in all, three FIRs/cases were registered against the petitioner, and in one such case, he was granted bail finally by the Hon'ble Supreme Court, and in the second case, the petition has been listed before a Division Bench of this Court, but it was not taken up for effective hearing. For this reason, in case the petitioner had joined the investigation, he was bound to be arrested in the said case, which in turn would frustrate the purpose of filing the present petition and would violate his statutory right conferred under Section 438 CrPC, which shall also violate his right under Article 21 of the Constitution of India. I am in agreement with the contention raised by Mr. Chaudhri, and as such, the non-joining of the investigation is not taken as a circumstance against the petitioner.

6. In paragraph 5 of the status report, it has been mentioned that the inquiries and investigations have pointed out massive transactions in the petitioner's bank accounts.

7. The State's counsel opposed the bail. Mr. Gaurav Garg Dhuriwala, Addl. On instructions, A.G., Punjab clarified that they could detect bank transactions of around thirteen cores of rupees in the bank accounts of the petitioner and his spouse. He stated that it is impossible for a person in a government job to have such massive cash transactions; and on the face of it, it points out corruption due to illegally obtained money. He further submitted that it is beyond apprehension that a government officer



and his spouse, who is not a businesswoman, can do transactions of 13 crores of rupees. Based on paragraph 6 of the status report, State counsel further submitted that they could point out two properties, one of Rs.1 crore and the second of Rs.2 crores, i.e., a total of Rs.3 crores, which the petitioner did not declare.

8. However, Mr. Vikram Chaudhri, Sr. Counsel, stated on instructions that the two properties mentioned in paragraph 6 of the status report were duly declared in the petitioner's assets declaration. Due to the statement made on behalf of the petitioner, this point about two properties is not being taken against the petitioner at this stage.

9. Mr. Chaudhri has argued that the present FIR is the outcome of FIR No.1 dated 12.7.2017, as captioned in paragraph 2 above. He stated that this Court had constituted an SIT to know about the involvement of the police in drug trafficking, and it was the senior level IPS officers who had settled their personal grudges and, as such, wreaking vengeance involved the petitioner in this case, whereas the petitioner had nothing to do with the same. He further submitted that a tug of war is going on between two segments of IPS officers, and the powerful one is victimizing the petitioner. The present FIR is an outcome of such a vindictive attitude. He referred to FIR (Annexure P-20) in this regard, the contents of which read as under: -

“xx xx xx xx xx xx

12. F.I.R. Contents

Vide order dated 15.12.2017 in CM No. 18041 of 2017 in CWP No. 20359 of 2013 Court on its own Motion VS State of Punjab and others, vide its order dated 15.12.2017 CM No. 18041 of 2017 in CWP No. 20359 of 2013 Court on its own Motion VS State of Punjab and others, the Hon'ble High Court directed the constitution of Special Investigating Team comprising of the following members:- (1) Shri Sidharth Chattopadhye, I.P.S. Director General of Police, H.R.D. Punjab including (ii) Sh. Parbodh Kumar, Special Investigation Team was constituted. I.P.S. Director Bureau of Investigation, Punjab Chandigarh and (iii) Sh. Kunwar Vijay Partap Singh, I.P.S. Inspector General of Police, A.T.S. (Intelligence), Punjab and this Special Investigating Team was to investigate the connection of Raj Jit Singh Undal S.S.P. Moga with Inderjit Singh (O.R.P. Dismissed Inspector) in F.I.R. No. 1 dated 12.06.2017, Police Station Special Task Force (S.T.F.) S.A.S. Nagar, Mohali. The Principal Secretary, Department of Home Affairs and Justice vide letter Memo Number 02/81/2017-1111/746 dated 17.04.2023 has sent the Report dated 30.01.2018, dated 14.03.2018 and 08.05.2018 filed before the Hon'ble High Court of Punjab and Haryana by the Special Investigation Team to the office of Chief Director Vigilance Bureau Punjab and has passed orders for registration of case against Sh. Raj Jit Singh for disproportionate assets under Section 13(2) P.C. Act 1988. From a perusal of the report dated 8.5.2018 filed by the Special Investigating Team, it is found that Raj Jit Singh has made lot of properties from 2013 to 2017. From para 6 of the aforementioned final report dated 8.5.2018 submitted before the Hon'ble High Court of Punjab and Haryana by the Special Investigation Team, the details of the property is as under: "6. That based on the statements of these witnesses, reply given by Sh. Raj Jit Singh himself, and other documents as mentioned above, the overall picture of acquisition and disposal of immovable properties on the part of Sh. Rajjit Singh



and his immediate family members, during the period 2013 onwards, has been summarised in the following two charges A and B:

A. CHART OF PROPERTY ACQUIRED

Sr. No	Area	Date of Purchase	Seller's Name	Value Buyer's Name recorded in the sale deed/Annual Property Return	Buyer's Name	Mobilization of funds (As per Mr. Ranjit Singh)
1	7 Kanals 2 Marlas	3.1.2023	Dharam Singh, Lal Singh, Sant Singh & Darshan Singh sons of Kartar Singh Bachittar Singh and Amarjit Singh sons of Dharam Singh all residents of village Hoshiarpur, Tehsil Majri, District SAS Nagar.	Rs.40 lac	Smt. Mukhbir Kaur W/o Sh. Ranjit Singh	Rs.40 Lac was gifted to her by her brother Sh. Bakshih Singh S/o Surinder Singh R/o VPO Rakh Sairen, District Tarn Taran. Her brother deposited money through cheque in the name Bank of Rajasthan. Miller Ganj Ludhiana saving Account 659701426640,
2.	500 Sq. Yd. bearing No.1065	26.9.2023	Narinder Singh S/o Gurnam Singh, Karamjit Kaur W/o Hardev Singh. Rupinder Singh and Gurpreet Singh S/o Hardev Singh, Village Mullanpur Garibdas, Tehsil Kharar, District SAS Nagar	Rs.20 lacs	Ranjit Singh	From family Friend Sh. Mani Singh Who is NRI R/o Reno Nevada, USA he deposited Rs 20 Lac in his SBI Account No. 20187157776 on 05.09.2013
3.	500 Sq.	11.12.201	Nirmal	Rs.20 lacs	Ms.	Loan from ICICI



	yds. Bearing No. 1055	3	Singh S/o Jata Singh lac resident of village Bharonjian PO Mullanpur Garibdas. Tehsil Kharar District SAS Nagar		Sukhmani Hundal D/o Rajjit Singh	bank. Payment was given through Cheque bearing 264260 dated 07.11.2013 of Punjab National Bank, Jalandhar
4.	5 Kanals 14 Marls		Late Sh. Ajit Singh (father of Rajjit Singh)	Rs.20 lacs	After his death mutations of said land was sanctioned in his name.	
5.	500 sq. yds.	27.1.2016	Hire Lal Jain son of Panna Lal Jain House No. 1606, Sector 69, District SAS Nagar.	1,50,01,00/-	Smt. Mukhbir Kaur W/o Sh. Rajjit Singh	7 Kanals 2 Marla of land situated at village Hoshiarpur, Out of 6 plots 3 plots sold out and Rs. 20 Lac from her brother-in law (husband of her sister Sh. Ajaypal Singh S/o Sh Jaswant Singh r/o 17, Mahindra Colony, Rani ka Bagh, Amritsar and Rajjit Singh borrowed a loan 49,03,200 from ICICI Bank.
6.	773.33 sq. yds.	27.10.201 7	Sh Goyal Late Anil Rs S/o Late Sh. Kashmiri Lal and Smt. Raj Rani w/o Sh. Kashmir Chand r/o 134, NAC Chandigarh	Rs.55 lacs	Rajjit Singh	Selling of Agriculture Land 8 Kanals, 18 Marlas situated at village Raowali, Tehsil & District Jalandhar given through after death of his father Ajit Singh.

**B. CHART OF PROPERTY DISPOSED OF**

Sr. No.	Area	Date of Sale	Name of the Buyer & Sold
1.	7 kanals, 2 marlas (Now 6 residential plots) 1. Residential Plot 450 Sq. Yd. 2. Residential Sq. Yd. Plot 300 3. Residential Plot 200 Sq. Yd. 4. Residential Plot 100 Sq. Yd. 5. Residential Plot 24.65 Sq. Yd. 6. Commercial Shop 60 Sq. Yd.	02.07.2015 02.07.2015 24.02.2016 08.02.2016 Not sale 2.7.2015	05 Plot sold by his wife Mukhbir Kaur 1. Residential Plot 450 sq. yd., Eco City phase-2 was sold by his wife to Sh. Gurjit Singh Kalkat and Rupinder Singh Kalkat for Rs. 30 Lac on dated 02.07.2015 2. Residential Plot No.300 sq.yd. Eco City phase-2 was sold by his wife to Sh. Gajinderpal Singh for Rs. 32 Lac on dated 02.07.2015 3. Residential Plot No.200 sq.yd. Eco City Phase-2 was sold by his wife to Sh. Rajjit Sandhir 1/0 S.A.S. Nagar for Rs.20 Lac on dated 24.02.2016 4. Residential Plot No.100 sq.yd. Eco City Phase-2 was sold by his wife to Sh. Prem Pal Sharma c/o Jalandhar for Rs. 06 Lac on dated 08.02.2016 5. Commercial Plot 60 sq.yd., Eco City, Phase-2 was sold by his wife to Sh. Bansi Lal Guleria for Rs. 18 Lac on dated 02.07.2015
2.	08 Kanals 18 Marlas	1.8.2017 26.10.2017 26.10.2017	02 Kanals 16 Marlas sold by him to Sh. Deepak Arora & Dinesh Arora s/o Sh. Ved Parkash. 16 Hardial Nagar Jalandhar for Rs.26,51,550/- 03 Kanals 06 Marlas sold by him to M/s Bhawani Shankar Casting Pvt. Ltd. Pathankot Road Jalandhar. For Rs.31,50,550/- 02 Kanals 16 Marlas sold by him to Smt. Savita Arora w/o Ved Parkash, Smt. Semma Arora W/o Sh. Deppak Arora & Smt. Pooja Arora W/o Dinesh Arora r/o 16, Hardial Nagar, Jalandhar for Rs.26,58,150/-

In the report dated 08.05.2018 of the Special Investigation Team it has been written in Para No 7 that:- "7. That the evidence collected during the investigation brings out the following significant points: a Huge amounts were mobilized as loans/gifts by Sh. Raj Jit Singh during the relevant period. Although intimations have been given by Sh. Raj Jit Singh to his department in respect of these loans/gifts, the financial capacity of those individuals who had given such loans/gifts is required to be investigated. b.(i) As regards the actual value of the properties in Eco-City-1 the sellers have stated the same to be much higher than what had been reflected in the Sale Deeds. In fact, as per the statement of Rupinder Singh S/o Hardev Singh R/o Village Mullanpur, District SAS Nagar, he had sold, alongwith other owners, the residential plot bearing No. 1065, Eco-City-1, of 500 Sq. Yds (Annexure-1) to Sh Rajjit Singh for which the deal was done for Rs 20 Lacs, but they (he alongwith other sellers) had received cash payment



also. He further stated that apart from plot sold to Sh Rajjit Singh, another plot of 300 sq.yds was sold to a different party, and for both these deals, the total payment, including cheques and cash, was about Rs. 1 Crore. Hence proportionately amount paid by Sh. Rajjit Singh through cheque (Rs. 20 Lakhs) and cash (Rs. 42 lakhs) is approximately Rs. 62 Lakhs and not just Rs. 20 lakhs as reported by him. (ii) Similarly, Darshan Singh S/o Kartar Singh r/o Village Hoshiarpur, District SAS Nagar, stated that he, alongwith other owners, had sold agricultural land measuring 7 Kanals 02 Marlas to Smt. Mukhbir Kaur W/o Sh Rajjit Singh and the value of the land was mentioned on the Sale Deed as Rs. 40 Lacs. However, he further stated that the actual deal was at the rate of Rs. 185 Crore per Kila, and the balance payment was received in cash. Statements of these witnesses, in respect of the payments made in cash (over and above the Sale Deed values), are corroborated by their Bank Account statements, which reveal deposits of cash amounts into their accounts on the relevant dates. Circle rate on that date was Rs.75 Lakhs per acre as confirmed by the stamp papers purchased by Rajjit Singh as well two others deals done by the same sellers. (Annexure-2) c. Evaluation Report of the Income Tax Department Evaluation Reports received from department of Income Tax, in respect of several of the immovable properties mentioned in these charts. reveal that the actual value of the same are far higher than the value reflected in the Sale Deeds. The Residential Plots No. 1055 & 1065 in Eco-City-1, valued at Rs.20 Lacs each in the Sale Deed, have been shown to be having the actual value of Rs 1.25 Crores, as per these Valuation Reports. Similarly, the Sale Deed value of the Industrial Plot No. 1064 in Janta Industrial Estate, Sec-82, SAS Nagar, is Rs. 55 Lacs, whereas the same has been shown to be having the actual Value of Rs. 1.18 Crores by the Department of Income Tax. d. As regard, the Industrial Plot No. 1064, Janta Industrial Estate, Sec-82, S.A.S. Nagar, evaluation report received from Department of Income Tax encloses copy of an advertisement, published by Greater Mohali Area Development Authority, which mentions the opening of the scheme for the allotment of such Industrial Plots on 03.10.2016 and closing the scheme on 28.10.2016. As per this advertisement, the tentative price of an Industrial Plot of 500 Sq. Yards was Rs.740 Lacs, it is pertinent to mention that Plot No. 1064, as such, which had the area of 733.33 Sq. Yards, was purchased by Sh. Rajjit Singh in October 2017, at the price of Rs. 55 Lacs only, whereas as per the valuation report of Income Tax Department it should be around Rs1,15,00,000/- (Annexure-3)". The Government of Punjab, Department of Home affairs and Justice vide letter Memo Number 02/81/2017-1111/746 dated 17.4.2023 has ordered for registration of case against Raj Jit Singh for disproportionate assets under Section 13(2) P.C. Act 1988 Therefore a case under Section 13(1)(b) R/w Section 13(2) P.C. Act 1988 as amended by P.C. (Amendment) Act, 2018 has been registered against Sh. Rajjit Singh. During the investigation of the case, if other evidence comes on record, then appropriate proceedings would be carried out. Therefore, ruqa for registration of the case is being sent C-2 Manjit Singh Number 75/339 I.R.B. at Police Station Vigilance Bureau, F.S.-1, Punjab at Mohali. The copy of the FIR registered against Rajjit Singh registered under the abovementioned offences shall be sent to me and special reports be issued. Sd/- Manmohan Kumar, Assistant Inspector General of Police, Vigilance Bureau, F.S.-1, Punjab S.A.S. Nagar. Dated 20.04.2023, Today at the office of Vigilance Bureau, F.S.-1, Punjab S.A.S. Nagar at 9:30 A.M. Proceedings at police station:- Today, one ruqa through C-2 Manjit Singh Number 75/339 against Raj Jit Singh above stated was received at the police station whereupon FIR has been registered. Case file along with original ruqa and copy of the F.I.R are being sent through C-2 Manjit Singh Number 75/339 to the Investigating Officer at the spot. Special reports are being to the Hon'ble Illaqa Magistrate, Mohali and higher officials through Senior Constable Davinder Singh Number 4/229."



10. Before registration of the present case, the reasons for implicating the petitioner emerged from the overall investigation into the widespread drug abuse in the State of Punjab. In 2013, this Court in '*Court on its own Motion Vs. State of Punjab*' had taken cognizance of widespread drug menace in the State of Punjab in writ jurisdiction, and consequently, CWP No.20359 of 2013 was registered. Such action was taken on a letter from one retired IPS officer, Shri Shashi Kant, who highlighted the rampant drug addiction and misuse with the involvement of government officials of the State of Punjab. The Court supervised the matter for over a decade and took inputs from various enforcement agencies viz Narcotics Control Bureau, Ministry of Home Affairs, Enforcement Directorate, Central Bureau of Investigation, and Police Departments of the State of Punjab, Haryana, and Chandigarh. Various directions were also given for the extradition of drug smugglers. The government of Punjab had also constituted a Special Task Force to look into the drug menace and finally found the involvement of the petitioner, as one of the beneficiaries, who gave patronage not only to drug smugglers but also to corrupt police officers who were enriching themselves illegally and also passing on the drug money as well as bribe money received from drug paddlers to various police officers and politicians including the petitioner. The State's stand is that the investigation clearly indicts the petitioner's involvement and on the face of it, massive transactions in the bank of the petitioner and his spouse point out the truthfulness of the investigation, which is that the money that the petitioner had amassed was, in fact, a share of the drug trafficking.

11. Mr. Vikram Chaudhri, Ld. Sr. Advocate referred to Annexure P-19, which is a letter written by the Special Secretary, Home to the Director General of Police, Punjab, on 17.4.2023, and it has been mentioned in this letter that it was issued with the approval of Chief Minister, Punjab, to demonstrate the malice and political vendetta because of the change of regime, which is being carried out at the behest of either group of IPS officers, who are bent on spoiling the petitioner's service career. However, in my considered opinion simply because the matter was brought to the notice of the Chief Minister would not, on the face of it, show any malice or political vendetta. Being the head of the State, the Chief Minister is responsible for seeing how the law and order of the State is to be maintained and also for eradicating rampant corruption. If the Chief Minister takes a personal interest, it cannot be treated as a political vendetta. This Court cannot accept such an argument, as it would not only amount to interference in the working of the Government but would also frustrate the electoral manifestoes and amount to interference in the people's representatives who are at the helm of affairs and accountable to the people.




12. Mr. Chaudhri's next contention is that the FIR has been registered by evaluating the assets, which would *prima facie* point out a civil dispute, and in *stricto sensu*, it cannot be termed as a criminal matter without actual verification of the entire assets. This argument looks impressive, but if it is taken at its face value, then no disproportionate assets case can be registered unless the entire auditing exercise is completed, which would frustrate the very purpose of enacting statutes. A bare perusal of Section 13 of the Prevention of Corruption Act, 1988, shows that if a public servant intentionally enriches himself illicitly during office, it will amount to criminal misconduct.

13. Mr. Gaurav Garg Dhuriwala, Additional Advocate General, Punjab, based on the investigations, explicitly submits that there were bank deposits of thirteen crores of rupees in the accounts of the petitioner and his spouse. Being a public servant, such a massive amount in these transactions point to criminal misconduct under Section 13(1)(b) of the Prevention of Corruption Act. As such, the petitioner is not entitled to bail.

14. On the court's request, Mr. Dhuriwala handed over the investigation file, which I have gone through and returned. As per the bank details from 2016 till 2022, the amount received in the petitioner's bank account was Rs.13,82,48,593/-. This is in addition to his salary of around Rs.74,21,584/-. Thus, as a public servant, the petitioner was obliged to explain the transactions, whereby he amassed such a massive amount of around Rs.13,82,48,593/-. There are suspicious transactions in the HDFC bank account (No.xxx21411). In the investigation file, a copy of the bank statement, in which such suspicious transactions have been highlighted in green, has also been handed over to court. Such suspicious credit entries, which have not been explained, read as follows: -

Date	Credits (Deposits)
Xxx	xxx
25/10/17	490,200.00
25/10/17	377,750.00
27/10/17	3,150,000.00
12/02/18	245,000.00
15/12/18	135,700.00
01/08/19	324,000.00
05/09/20	1,000,000.00
15/01/21	1,158,360.00
22/01/21	1,653,200.00



23/02/21	1,704,562.50
15/05/21	1,500,000.00
04/06/21	528,000.00
08/06/21	100,000.00
11/06/21	650,000.00
25/06/21	1,000,000.00
25/06/21	1,200,000.00
25/06/21	2,300,000.00
25/06/21	500,000.00
25/06/21	500,000.00
06/07/21	1,095,000.00
07/07/21	500,000.00
21/07/21	500,000.00
07/01/22	3,960,000.00
04/03/22	440,000.00

15. I have also gone through the bail petition, and on the face of it, there is no reference to the above-captioned bank transactions. The petitioner, being a police officer, was supposed to be extremely upright, primarily when dealing with sensitive matters, including drugs. The background of the sources of such massive disproportionate assets points to drug trafficking at the instance and involvement of some of the corrupt Punjab Police officers, including the petitioner. The *prima facie* evidence collected so far points out the sources of funds from such illicit and illegal drug trade. The investigation is ongoing, and a custodial investigation of the petitioner is required to determine whether the illicitly acquired money was taken to scuttle the investigation in some severe offenses, help the accused in such offenses, harboring the drug dealers, or even the direct drug dealings. Considering the impact of the matter involving drugs, the custodial investigation is required to know the source of money, patronizing of drug smugglers by the petitioner and cohort police officers who were supervising the drug cases, and other serious offenses, whereby injustice has been caused to some victims or in the case of drugs, to society and the State at large. In the entirety of the facts and circumstances of the case, it is not a case of mere disproportionate assets but of its trail originating from the drug cartels. If the police officers themselves start harboring the drug paddlers and drug mafia, its impact on society would be massive, and its magnitude would be beyond comprehension. In the entirety of the facts and circumstances of the case, it is not a case for anticipatory bail,



and custodial interrogation of the petitioner would be required to find out not only the sources of such funds but also the involvement of other corrupt police officers who are directly or indirectly dealing in drugs, which has spread chaos in the entire State and also the adjoining areas apart from having international ramifications.

16. This Court is not commenting on the spearheading of the overall exercise of drug menace which is already taken up by this Court in writ jurisdiction. This Court is only concerned with disproportionate assets of the petitioner and in absence of petitioner offering any explanation regarding cash transactions of 13 crores of rupees in his bank accounts, and he merely being a police officer and his salary can be a fraction of the amount which was deposited in the banks.

17. In Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379, Hon'ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. [See D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434, State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213 and Union of India v. Padam Narain Aggarwal (2008) 13 SCC 305].

18. In State rep. by CBI v. Anil Sharma, (1997) 7 SCC 187, Hon'ble Supreme Court holds,

[6]. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.



19. In **Central Bureau of Investigation v. Santosh Karnani**, Cr.A 1148 of 2023, dated 17-04- 2023, Supreme Court, in an FIR registered under sections under Sections 7, 13(1) and 13(2) of the Prevention of Corruption Act, 1988, holds,

[24]. The time-tested principles are that no straitjacket formula can be applied for grant or refusal of anticipatory bail. The judicial discretion of the Court shall be guided by various relevant factors and largely it will depend upon the facts and circumstances of each case. The Court must draw a delicate balance between liberty of an individual as guaranteed under Article 21 of the Constitution and the need for a fair and free investigation, which must be taken to its logical conclusion. Arrest has devastating and irreversible social stigma, humiliation, insult, mental pain and other fearful consequences. Regardless thereto, when the Court, on consideration of material information gathered by the Investigating Agency, is prima facie satisfied that there is something more than a mere needle of suspicion against the accused, it cannot jeopardise the investigation, more so when the allegations are grave in nature.

[31]. The nature and gravity of the alleged offence should have been kept in mind by the High Court. Corruption poses a serious threat to our society and must be dealt with iron hands. It not only leads to abysmal loss to the public exchequer but also tramples good governance. The common man stands deprived of the benefits percolating under social welfare schemes and is the worst hit. It is aptly said, "Corruption is a tree whose branches are of an unmeasurable length; they spread everywhere; and the dew that drops from thence, Hath infected some chairs and stools of authority." Hence, the need to be extra conscious.

20. In the facts, and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail.

21. It is clarified that observations made hereinabove are neither an expression of opinion on the merits or the and the same shall confine to disposal of the present bail petition, nor shall have bearing in the regular bail filed under Section 437/ 439 CrPC before the trial Court or this Court.

Petition dismissed. Interim orders, if any, stand vacated. All pending applications, if any, also stand disposed.

(ANOOP CHITKARA)
JUDGE

October 20, 2023
AK

Whether speaking/reasoned : Yes
Whether reportable : No