



2026:PHHC:014657



CRM-M-51882-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51882-2025

Jatin Salwan

....Petitioner

V/s

Central Bureau of Investigation

....Respondent

Date of Reserve: 27.01.2026

Date of decision: 02.02.2026

Date of Uploading : 02.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Cheema, Senior Advocate and
Mr. S.S. Narula, Senior Advocate with
Mr. Sandeep Sharma, Advocate for the petitioner.
Mr. Akashdeep Singh, Special Public Prosecutor, CBI.

SUMEET GOEL, J.

1. The present petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIRNo.RC0052025A0015 dated 14.08.2025, registered under Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 7A of the Prevention of Corruption Act, 1988, at Police Station CBI, ACB, Chandigarh (hereinafter referred to as the '*FIR in question*').

2. The factual matrix of the case, as borne out from the *FIR in Question*, is that a written complaint dated 13.08.2025 was submitted by the complainant namely Harsimranjit Singh to the Superintendent of Police, CBI, Chandigarh. It has been alleged in said complaint that the present petitioner, an Advocate practicing at the Punjab & Haryana High Court, demanded illegal gratification of Rs.30,00,000/- for securing a favourable



judicial order in a divorce matter pending before the Courts at Bathinda, Punjab, pertaining to the cousin sister of the complainant namely Smt. Sandeep Kaur. It was further alleged that the petitioner demanded the aforesaid amount by claiming to exercise his personal influence over a judicial officer posted at Bathinda and assured that the favourable orders would be procured. The complainant further alleged that the petitioner insisted that the bribe money is never reduced and directed him to arrange the initial amount. On receipt of the complaint, the same was marked to Inspector Sonal Mishra, CBI, ACB, Chandigarh, for verification. The verification was conducted on 13.08.2025 and 14.08.2025, during which telephonic conversations between the complainant and the petitioner were recorded. The verification report *prima facie* substantiated the allegations of demand of bribe by the petitioner. In the recorded conversation, the petitioner allegedly reiterated the demand of Rs.30,00,000/- and thereby reinforcing the demand and motive. Upon completion of the verification, the present FIR came to be registered on 14.08.2025 under the aforesaid provisions. Thereafter, a trap was laid by the CBI on the same day. During the trap proceedings, the co-accused namely Satnam Singh, allegedly acting at the behest of the petitioner, accepted a sum of Rs.4,00,000/- from the complainant as a part payment of the demanded bribe. The conversation during the transaction was recorded, wherein co-accused namely Satnam Singh allegedly represented himself as a person sent for the collection of money in connection with the said illegal demand. After acceptance of the bribe amount by co-accused Satnam Singh, the petitioner was apprehended



from his residence. The petitioner was made to call the co-accused, pursuant to which the bribe amount was recovered from the co-accused Satnam Singh. The petitioner was arrested vide Arrest-cum-Personal Search Memo dated 14.08.2025 and was remanded to judicial custody on 15.08.2025. The petitioner had earlier approached the Court of Special Judge, CBI, Chandigarh, seeking the concession of regular bail. However, the same was dismissed vide order dated 01.09.2025.

It is in this factual backdrop, the present petition has come up for receiving consideration before this Court.

3. Learned senior counsel for the petitioner has iterated that the petitioner has been falsely implicated into the *FIR in question* and the registration of the *FIR in question* is the result of a motivated and malicious exercise of power. Learned senior counsel has further iterated that the essential ingredients of Section 7-A of the Prevention of Corruption Act are not satisfied as the petitioner is neither a public servant nor was the alleged judicial officer competent to adjudicate the divorce proceedings in question. Learned senior counsel has emphasized that the alleged demand of illegal gratification has been misconstrued from what was, in fact, the professional fee quoted by the petitioner for conducting litigation at Bathinda, after the successful transfer of the matrimonial case from Sangrur. Learned senior counsel has further submitted that the complaint and the *FIR in question* suffer from material inconsistencies which render the prosecution version inherently doubtful. According to learned senior counsel, the petitioner has been roped in only on the basis of conjectures and afterthoughts without any



independent corroboration. Learned counsel has asserted that the petitioner is an Advocate aged about 70 years, suffering from serious cardiac ailments and anxiety related disorders. It has been further contended that the petitioner is in custody since 14.08.2025 and the trial is likely to take considerable time, thus, the continued incarceration of the petitioner serves no fruitful purpose especially when further custodial interrogation is not required. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned counsel appearing for the CBI has vehemently opposed the present petition by contending that the allegations raised against the petitioner are exceptionally grave in nature. Learned counsel has iterated that the petitioner, despite being an Advocate and an officer of the Court, demanded illegal gratification by invoking his alleged personal influence over judicial officers which strikes at the very foundation of the administration of justice and eroding the public confidence in the justice delivery system. Learned counsel has further submitted that the complaint lodged by the complainant has been duly verified by the CBI prior to registration of the *FIR in question* and the verification proceedings categorically established the demand of illegal gratification by the petitioner. Furthermore, the subsequent recovery of the tainted amount coupled with the recorded conversations during the transaction, *prima facie*, establishes acceptance and recovery thereby satisfying the essential ingredients of the offence under Section 7A of the Prevention of Corruption Act. According to learned counsel, the age of the petitioner or the



professional standing cannot be a ground for the grant of bail in corruption cases particularly when institutional integrity is at stake. It has been further submitted that it is not in dispute that the petitioner is not suffering from any ailment which would warrant his enlargement on medical grounds. Accordingly, a prayer has been made for the dismissal of the petition in hand.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The preamble of our Constitution is not a mere decorative preface; it is a solemn covenant. The values of justice, equality and fraternity, enshrined in the preamble, are the pillars of our democratic architecture. Corruption is a corrosive acid that eats away these pillars. Where corruption takes roots, the *Rule of Law* is replaced by the *Rule of Transaction*. An age old adage—‘*Among a people generally corrupt, liberty cannot last long.*’—cautions about the moral decay the menace of corruption presents, it assumes a more harrowing significance when the menace of corruption casts a shadow over the judiciary; an institution whose very lifeblood is the unswerving faith and confidence placed in it by the common populace. Reiterating its earlier view in ***Niranjan Hemchandra Sashittal Vs. The State of Maharashtra; 2013 (4) SCC 642***, the Hon’ble Supreme Court *vide* its *dicta* in a Five Judge Bench Judgment in ***Manoj Narula Vs. Union of India; 2014 (9) SCC 1***, observed thus:

“*Criminality and corruption go hand in hand. From the date the Constitution was adopted, i.e., 26th January, 1950, a Red Letter Day in the history of India, the nation stood as a silent witness to corruption at high places.*”



Corruption erodes the fundamental tenets of the rule of law. In Niranjana Hemchandra Sashittal and another v. State of Maharashtra, 2013(2) RCR (Criminal) 690 : 2013(3) Recent Apex Judgments (R.A.J.) 11 : (2013) 4 SCC 642 the Court has observed :

"It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance. It is worth noting that immoral acquisition of wealth destroys the energy of the people believing in honesty, and history records with agony how they have suffered. The only redeeming fact is that collective sensibility respects such suffering as it is in consonance with the constitutional morality.""

7. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court



titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see *Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280* and *Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179*). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in *Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528* : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for *prima facie* concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- c. *Prima facie* satisfaction of the court in support of the charge. (see *Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC)* :



2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.”

8. Indubitably, the allegations raised in the *FIR in question* are serious in nature which are not confined only to monetary gain alone. According to the prosecution, the petitioner, who is a practising Advocate demanded large amount of money by claiming that he could influence judicial officer and secure a favourable order in a divorce case. Such allegations, if found true, do not affect only the complainant but have a wider impact on public trust in the justice delivery system. The material which has been placed on record before this Court shows that the complaint was first verified by the CBI before the *FIR in question* was registered. The recorded conversations, the verification report, and the trap proceedings *prima facie* indicate a demand for illegal gratification and the collection of part of the bribe amount through a co-accused. At this stage, this material cannot be legally ignored or brushed aside. The argument that the petitioner is not a public servant does not help him at this stage as Section 7-A of the Prevention of Corruption Act squarely covers any person who accepts or obtains undue advantage to influence a public servant by corrupt or illegal means. The age and professional standing of the petitioner, though relevant, cannot outweigh the gravity of the allegations. Upon directions issued by this Court, the medical condition of the petitioner was got assessed by the CBI and nothing has come forth which may entitle the petitioner to be afforded regular bail on medical ground(s). Furthermore, whether the judicial officer named in the complaint was actually competent to pass the order is matter of defence and will be examined during the course of trial.



The Hon'ble Supreme Court has consistently held that offences involving corruption, particularly those undermining institutional integrity, require a cautious and stringent approach while considering the grant of bail. In cases involving corruption and misuse of influence in the judicial process, such factors by themselves are not sufficient to grant bail especially when the allegations are supported by *prima facie* material. The petitioner is an Advocate with long professional experience. At this stage, it cannot be said that there does not exist a reasonable apprehension/concern that his release may affect the course of investigation or trial including the possibility of influencing the witness(s). The rejection of bail by the learned Special Judge, CBI, Chandigarh, after consideration of the material on record, further persuades this Court not to take a contrary view in the absence of any substantial change in circumstances.

8.1. Much emphasis has been laid by the learned Senior Advocate on the fact of investigation having been culminated in the filing of Challan/Final Report and the petitioner having suffered incarceration for more than 5 months for an offence punishable (maximum) up to 7 years of imprisonment.

Indubitably, in a case under the Prevention of Corruption Act, the conclusion of the investigation and the subsequent presentation of Challan/Final Report, as well as, the petitioner having undergone a custody of around 5½ months for an offence punishable with up to 7 years of Imprisonment (maximum), constitute factors relevant for consideration of bail, however, they cannot be viewed in vacuum and nor do they operate as



an absolute passport for enlargement on bail. These mitigating factors do not preclude this Court from scrutinizing the *gravitas* of the allegations and their broader socio-legal implications. When an advocate, who is considered as an officer of the Court, solicits or accepts illegal gratification under the pretext of influencing a judicial outcome, the act is not merely a private fraud but sacrilegious affront to the judiciary as an institution. It is the duty of this Court to treat such transgressions as an existential threat to the sanctity of the institution. The totality of the allegations; the manner in which the offence is alleged to have been perpetrated; and the position of the accused especially *vis.-a-vis.* the complainant; etc., are to be borne in mind while adjudicating the instant plea for enlargement of bail, by this Court.

9. Considering the nature and gravity of the allegations; the *prima facie* material indicating the demand and acceptance of illegal gratification; the potential impact on public confidence in the justice delivery system; the petitioner being an accused in another FIR i.e. FIR No. 83 dated 16.06.2016 registered under Sections 18/29 of the NDPS Act and Sections 489-C/120-B IPC at Police Station Maloya, Chandigarh and the larger public interest involved, this Court is of the considered view that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

11. In view of above ratiocination, it is directed as under:

(i) The instant petition, being devoid of merit, is hereby dismissed for the *nonce*. Liberty is reserved in favour of the petitioner to apply for



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regular bail afresh, in the first instance before the learned Special Court, after PW-Harsimranjit Singh (FIR-complainant) and PW-Sandeep Kaur (victim) are examined.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 02, 2026

Ajay

Whether speaking/reasoned: Yes

Whether reportable: Yes