



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-445-SB-2005

Sukhminder SinghAppellant

Versus

State of Punjab Respondent

1.	Date when Order was reserved	20.08.2026
2.	Pronouncement of Order	08.09.2026
3.	Date of uploading Order	09.09.2026
4.	Whether operative part or full Order is pronounced	Yes
5.	Delay, if any, in pronouncing of full order, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. J.S. Toor, Sr. Advocate with
Mr. Jasbir Singh, Advocate for the appellant.

Mr. Pravesh, Advocate for
Mr. Umaid Singh Mann, *Amicus Curiae* for the appellant.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Appellant-Sukhminder Singh, (aged 41 years as per the judgment dated 18.02.2005), has filed the instant appeal, challenging the judgment of conviction and order of sentence dated 18.02.2005 passed by learned Special Judge, Patiala (Trial Court), in FIR No.7 dated 12.02.2001, registered under Sections 7 and 13(2) of the Prevention of



Corruption Act, 1988 (hereinafter referred to as ‘the PC Act’) at Police Station Vigilance Bureau, Range Patiala, and in tabulated form, same is detailed as under:-

Offence under Section	Sentence	Fine	In default of payment of fine
Section 7 of Prevention of Corruption Act, 1988	Rigorous imprisonment for 02 years	Rs.1,000/-	Rigorous imprisonment for 02 months
Section 13(2) of Prevention of Corruption Act, 1988 read with Section 13(1)(d) of the Prevention of Corruption Act, 1988	Rigorous imprisonment for 02 years	Rs.1,000/-	Rigorous imprisonment for 02 months

Factual background

2. Complainant-Baljit Singh had applied for a loan for the purchase of buffaloes in the office of the Punjab Scheduled Castes Land Development and Finance Corporation, Patiala, about six months prior to 12.02.2001. As no intimation was received regarding the loan, he met the appellant-Sukhminder Singh, while he was posted as a Clerk in the same office. However, no satisfactory reply was given to him by the appellant.

When complainant went to the State Bank of Patiala, Bhadson, for making an inquiry, the bank official asked him to furnish the dispatch number of his loan application from the office of the Corporation. After about 15-20 days, the complainant again went to the office where the appellant was posted to inquire about the dispatch



number of his application. It is alleged that, instead of providing the information, the appellant demanded illegal gratification of Rs.200/- from the complainant for furnishing the dispatch number of the loan case, which had been sent to the State Bank of Patiala, Bhadson.

Complainant expressed his inability to pay the said amount and narrated the matter to Balkar Singh, resident of Village Dittupur. On 12.02.2001, both of them thereafter went to the office of the Vigilance Bureau, Patiala, where they met DSP-Ranjit Singh Dhillon. Statement of the complainant, Ex.PL, was recorded. Two currency notes of the denomination of Rs.100/- each were handed over to the DSP, who applied Phenol Phathalein powder (P-powder) to the same and thereafter returned them to the complainant.

3. Further case of the prosecution is that, pursuant to the instructions of Ranjit Singh Dhillon, DSP, a trap was laid in the presence of shadow witness and other official witnesses. During the trap proceedings, the appellant allegedly demanded and accepted the aforesaid amount of Rs.200/-, comprising two currency notes of Rs.100/- each. Said currency notes were recovered from left pocket of the trouser of the appellant and were taken in possession, vide recovery memo Ex.PF.

During personal search of the appellant, one scooter key, one receipt and a black-coloured wallet containing Rs.2,255/- were also recovered and taken in possession, vide memo Ex.PG.



Thereafter, DSP took a glass of water and added sodium carbonate to it. Colour of the solution did not change, but Pocket of the trouser of the appellant was then dipped into the solution, whereupon colour of the solution turned light pink. The solution was transferred into a nip and sealed with the seal bearing impression 'RSD' of Ranjit Singh Dhillon. The trouser was also taken in possession and sealed with the same seal. Nip and the parcel containing trouser were sealed, vide memo Ex.PH.

4. After completion of the investigation, final report under Section 173 Cr.P.C. was submitted on 25.03.2002, and appellant was charge-sheeted for offences under Sections 7 and 13(2) of the PC Act.

5. Prosecution examined eight witnesses.

* **PW1-MHC Gurbhej Singh** proved his affidavit Ex.PA.

* **PW2-Senior Assistant Karnail Singh** proved the sanction order Ex.PB accorded by Sh. Babu Lal, Executive Director, PSC & LDC.

* **PW3-Neena Gautam** proved the original service book and posting order of the appellant, Ex.PC, which were forwarded to the DSP, Vigilance, vide letter Ex.P6.

* **PW4-Dr. Varinder Singh** proved his joining prior to the conduct of the trap. He also proved the recovery of two currency notes of Rs.100/- each, Ex.P4 and Ex.P5, from the left pocket of the trouser of the appellant, the tallying of their numbers and their seizure. He further deposed regarding the dipping of the fingers of the appellant in the



sodium carbonate solution, which turned pink. He also proved the recoveries effected from the personal search of the appellant and their seizure vide memo Ex.PG.

* **PW5-Constable Karamjit Singh** proved the loan application submitted by the complainant in the office of the Punjab Scheduled Castes Land Development and Finance Corporation, Patiala, about six months prior to the occurrence, and also deposed regarding the complainant having visited the office of the Corporation.

* **PW6-Baljit Singh-complainant**, testified that the DSP had called two official witnesses, namely Dr. Varinder Singh and Dr. Bharat Bhushan, in the office and thereafter they proceeded towards the office of the appellant. According to him, appellant demanded money, which was handed over to him.

PW6 also deposed regarding the mixing of sodium carbonate in the glass of water and stated that the colour of the water did not change initially, but upon the appellant putting his fingers into the solution, its colour turned pink. He also proved the recoveries effected from the personal search of the appellant.

* **PW7-Balkar Singh** (shadow witness), deposed that on 12.02.2001, he had gone to the office of the SCLDC along with complainant Baljit Singh regarding the loan. He stated that the appellant demanded Rs.200/- from Baljit Singh for furnishing the dispatch number of the loan case.



* PW8-Ranjit Singh, DSP, Vigilance Bureau, Flying Squad-II, Patiala, deposed that on 12.02.2001 he was posted as DSP, Vigilance Bureau, Flying Squad-II, Patiala, and that Baljit Singh along with Balkar Singh came to him and got recorded the statement of the complainant. He further deposed regarding the laying of the trap and recovery of the tainted amount.

6. Specific defence taken by the appellant, while recording statement under Section 313 Cr.P.C.

a) In his statement under Section 313 Cr.P.C., the appellant pleaded that he was completely innocent and had been falsely implicated. He denied having demanded any illegal gratification from complainant Baljit Singh or having accepted any amount from him. According to the appellant, loan file of the complainant had already been passed/cleared and forwarded to the State Bank of Patiala, Bhadson Branch, on 30.01.2001.

b) Appellant further took the plea that Gurmail Singh, uncle of the complainant's wife, had also taken a loan from the Punjab Scheduled Castes Land Development and Finance Corporation. Since Gurmail Singh had failed to repay the loan. Recovery warrant had been issued against him by the Director of the Corporation, which thereafter was marked to the Collector. The appellant stated that he was pursuing the recovery proceedings in respect of the said loan.



c) Appellant further stated that the father of witness Balkar Singh had also taken a loan from the Bank, which also was not repaid. Recovery warrant had been issued against him by the Corporation through the District Revenue Officer, Patiala, and said matter had also been pursued by the appellant against the father of Balkar Singh.

d) Appellant further stated that no work relating to the loan file of the complainant was pending with him on the date of the raid. He also stated that the father of Balkar Singh had been taken to the Tehsil Office, Bhadson, where he subsequently deposited Rs.3,500/- and a receipt in that regard was also issued.

7. In defence, the appellant examined Surinder Singh as DW1, Sarjit Singh as DW2 and Joginder Singh Sohi as DW3, and thereafter closed his defence evidence.

* DW1-Surinder Singh proved the Dispatch Register dated 30.01.2001, according to which the loan case of Baljit Singh had been sent to the State Bank of Patiala, vide dispatch No.1517 dated 30.01.2001. He also proved the relevant entry in the Dispatch Register as Ex.D1 and the corresponding entry in the stationed dak book as Ex.D2.

* DW2-Sarjit Singh deposed regarding his posting as Assistant District Manager in the office of SCFC, Patiala, where the appellant was also posted. He further deposed regarding the appellant accompanying him in the official vehicle to the office of the Naib Tehsildar, Bhadson, for recovery of loan amounts from the defaulters. For the said purpose,



they visited villages Faridpur, Akalgarh, Jindalpur, Dittupur and Chhanna Nathuwalian. They also met Mohinder Singh in his fields, as he was not found at his house, and he was taken to the office of the Naib Tehsildar, Bhadson.

* **DW3-Joginder Singh Sohi** proved that, as per the record, case No.1517 dated 30.01.2001 relating to Baljit Singh was received from the District Manager, SCLDC, on 06.02.2001. He also proved the photocopy of the relevant letter as Ex.P2.

He further deposed that letter Ex.D7 was sent to the Branch Manager, SBOP, Bhadson, on 12.02.2001 through dispatch No.12160, and proved the photocopy thereof as Ex.D8.

8. It is on the basis of the aforementioned evidence that appellant was held guilty by the trial Court, vide impugned judgment dated 18.02.2005.

Submissions on behalf of the appellant

9. Learned Senior Counsel appearing for the appellant, Mr. J.S. Toor, submits that once the loan case of complainant Baljit Singh had already been forwarded to the State Bank of Patiala vide dispatch No.1517 dated 30.01.2001, as reflected in the Dispatch Register Ex.D1 and stationed dak book Ex.D2, there was no occasion for the appellant, who was posted as a Junior Assistant in the office of the Punjab Scheduled Castes Land Development and Finance Corporation, to



demand Rs.200/- as illegal gratification for furnishing the dispatch number of the loan case on 12.02.2001.

10. Learned Senior Counsel further submits that, even assuming the allegations to be correct for the sake of argument, it was open to the complainant to examine the Dispatch Register Ex.D1 and stationed dak book Ex.D2 to ascertain the dispatch number, which fact was proved by DW1-Surinder Singh. Once no official work was pending with the appellant, there was no occasion for him to demand illegal gratification. It is, therefore, submitted that the essential ingredients of the offences under Sections 7 and 13(2) of the PC Act are not established.

11. Learned Senior Counsel further submits that Ex.P6, stated to be the receipt containing the dispatch number and allegedly handed over by the appellant after receipt of the bribe amount of Rs.200/-, cannot be relied upon as reliable evidence, as the receipt was not sealed and the handwriting appearing thereon was never proved by any handwriting expert. It is submitted that, in the absence of such evidence, the said document could not have been relied upon against the appellant.

12. Learned Senior Counsel also refers to the statements of the defence witnesses to establish false implication. It is submitted that Gurmail Singh, uncle of the complainant's wife, was also a loanee of the same Corporation and, being a defaulter, had been served with a recovery warrant. The recovery proceedings were conducted by the appellant under the instructions of the superior officers.



Reliance is also placed upon the testimony of DW2-Sarjit Singh, Assistant District Manager, who, being an official witness, proved the visits of the appellant to several villages for recovery of loan amounts.

13. Learned Senior Counsel further submits that DW3-Joginder Singh Sohi proved the receipt of the loan case on 06.02.2001 in the office where the appellant was posted as Junior Assistant, as well as the relevant documents. He also proved that on 12.02.2001 the case was sent to the Branch Manager, SBOP, Bhadson, vide dispatch No.12160.

It is, therefore, submitted that, apart from the dispatch number, there were other means by which the complainant could have obtained information regarding the status and dispatch of the loan case. Instead, the complainant, with a motivated purpose, proceeded with the official witnesses to implicate the appellant in a false case.

14. Learned Senior Counsel relies upon the judgment of the Hon'ble Supreme Court in *P. Satyanarayana Murthy v. District Inspector of Police, State of Andhra Pradesh and another*, (2015) 10 SCC 152, wherein it was observed that failure to prove the demand for illegal gratification is fatal and mere recovery of the amount from the accused would not, by itself, entail his conviction under Section 7 or Section 13 of the PC Act.

Reliance is also placed upon 'K. Shanthamma v. State of Telangana', Criminal Appeal No.261 of 2022, decided on 21.02.2022, wherein, relying upon *P. Satyanarayana Murthy* (supra), Hon'ble



Supreme Court reiterated that demand is a *sine qua non* for establishing an offence under Section 7 of the PC Act.

15. Learned Senior Counsel further submits that the testimony of PW7-Balkar Singh, the shadow witness, deserves to be viewed with caution, as his father Mohinder Singh was a loan defaulter and had earlier been proceeded against, for recovery by the appellant under the supervision of DW2-Sarjit/Sarabjit Singh. It is submitted that the appellant, along with the concerned officials, had visited several villages for recovery of loan amounts from defaulters and had also taken Mohinder Singh to the office of the Naib Tehsildar, Bhadson.

It is further submitted that Mohinder Singh's relatives had thereafter deposited Rs.3,500/- before the Naib Tehsildar, Bhadson, and the carbon copy of the receipt issued by the appellant-Sukhminder Singh was proved on record as Ex.D3 along with entry dated 08.12.2000 as Ex.D4.

16. Learned Senior Counsel further submits that the statement of the complainant Baljit Singh also carries an element of motive, as Gurmail Singh, uncle of the complainant's wife, was earlier a loanee and recovery proceedings had been conducted at his house by the appellant along with other officials.

It is submitted that, in cross-examination, it was admitted that Gurmail Singh Numberdar was married to Surjit Kaur, who was the sister of the father-in-law of the complainant-Baljit Singh.



17. Learned Senior Counsel, therefore, submits that both the complainant and the shadow witness had sufficient reason to harbour a grudge against the appellant. It is further submitted that no official work relating to the loan was pending with the appellant and, consequently, there was no occasion for him to demand or accept Rs.200/-. Learned Senior Counsel accordingly prays that the impugned judgment of conviction and order of sentence be set aside and the appellant be acquitted.

Submissions on behalf of the State

18. On the other hand, learned State counsel, while defending the impugned judgment, submits that, for constituting an offence under Section 7 of the PC Act, complainant Baljit Singh (PW6) has proved the demand of Rs.200/- for furnishing the dispatch number of the loan case. The said demand is further corroborated by the testimony of the shadow witness, PW7-Balkar Singh. It is submitted that the amount was accepted by the appellant and was subsequently recovered from him during the trap proceedings.

Learned State counsel submits that the learned Trial Court rightly appreciated the statements of the prosecution witnesses, including the Investigating Officer (PW8), and that there is sufficient evidence establishing the demand, acceptance and recovery of the tainted amount. According to learned State counsel, the complete chain of circumstances



stands established and the submissions advanced on behalf of the appellant are without merit.

19. Learned State counsel further relies upon the statutory presumption under Section 20 of the PC Act and submits that, once acceptance of the gratification is established, the burden shifts upon the appellant to rebut the statutory presumption. It is submitted that the appellant failed to discharge the said burden and, therefore, the charges stood duly proved.

20. Learned State counsel also relies upon the sanction order Ex.PB granted by the competent authority for prosecution of the appellant. It is submitted that the sanction, coupled with the statutory presumption and recovery of the tainted amount, sufficiently establishes the prosecution case. Learned State counsel, accordingly, submits that the appeal is liable to be dismissed.

Discussion and conclusion

21. I have considered the submissions addressed by learned Senior Counsel representing the appellant and learned State counsel and have carefully examined the evidence available on record, particularly the statements of PW6-Baljit Singh, the complainant, and PW7-Balkar Singh, the shadow witness.

22. From the evidence available on record, it stands established that Gurmail Singh, uncle of the complainant's wife, was a loanee of the Corporation where the appellant was posted and that recovery



proceedings had been conducted against him by the appellant along with other officials in December, 2000. The record also contains a receipt from Book No.3241, Serial No.21, showing payment of Rs.3,500/- on 08.12.2000 to the Punjab Scheduled Castes Land Development and Finance Corporation, Chandigarh. This aspect was proved by the defence through DW2, who was then posted as Assistant District Manager in the said Corporation.

23. The testimony of PW7-Balkar Singh, the shadow witness, also does not provide substantial assistance to the prosecution. His father, Mohinder Singh, was admittedly a loan defaulter and, in that regard, the appellant had visited him along with the concerned revenue official for recovery of the loan amount. The relationship of Balkar Singh-PW7 with Mohinder Singh also stands established on record.

In these circumstances, the possibility of Balkar Singh-PW7 harbouring a grudge against the appellant cannot be completely ruled out, particularly when the appellant had earlier participated in recovery proceedings against his father.

24. Similarly, the relationship of the complainant Baljit Singh with Gurmail Singh, against whom the appellant had earlier conducted recovery proceedings, assumes significance while appreciating the testimony of the complainant. The defence has placed material on record to show that Gurmail Singh was related to the complainant through his



wife and that recovery proceedings had been conducted against him by the appellant.

25. Apart from the aforesaid aspect, the statements of PW6-Baljit Singh and Balkar Singh-PW7 contain material discrepancies and contradictions concerning the circumstances in which the trap was laid and the events preceding the same. Their testimonies, therefore, require careful scrutiny before they can be made the sole basis for sustaining the conviction.

26. PW6-Baljit Singh stated categorically that he knew PW7-Balkar Singh for the last 10-12 years. On the other hand, PW7-Balkar Singh deposed that he knew PW6-Baljit Singh only for about 4-5 months and had met him in the office of the appellant. The discrepancy regarding the period for which the two witnesses claimed to have known each other assumes significance while assessing their credibility and the circumstances in which they came together for the trap proceedings.

27. PW6-Baljit Singh also deposed that he did not know whether his loan case had already been processed and forwarded to the State Bank before the date of occurrence or whether the file was still lying with the Bank. This aspect assumes importance in view of the documentary evidence produced by the defence showing that the loan case had been dispatched earlier.

28. PW6-Baljit Singh further failed to disclose any specific date or time when the appellant allegedly demanded Rs.200/- from him. The



absence of a specific account regarding the time and circumstances of the alleged initial demand assumes significance, particularly when the defence has produced documentary material indicating that the loan case had already been forwarded.

29. PW7-Balkar Singh also admitted that his own loan case had been rejected under the Bank's tie-up scheme. The evidence on record further indicates that his father had earlier been proceeded against in connection with recovery of a loan amount by the appellant.

30. Another circumstance which requires consideration is the deposition of PW7-Balkar Singh that, when he and the complainant approached DSP Ranjit Singh Dhillon for the first time, the DSP was not available. Consequently, they returned and thereafter visited his office again after about ten days.

The existence of such an interval between the two visits assumes significance because, during this period, there was sufficient opportunity for consultation or deliberation before the trap was ultimately laid.

31. PW7-Balkar Singh also stated that no personal search of the Investigating Officer/DSP or complainant Baljit Singh was conducted before the raid. This circumstance, when considered along with the other discrepancies appearing in the prosecution evidence, further requires the Court to exercise caution in relying upon the testimony of the complainant and shadow witness.



32. On the other hand, the defence has produced documentary evidence regarding the dispatch of the loan case. DW1 proved the Dispatch Register showing that the loan case of Baljit Singh had been dispatched on 30.01.2001 vide dispatch No.1517. DW3 also proved the relevant record regarding receipt and further dispatch of the case.

Thus, the documentary evidence led by the defence lends support to the appellant's plea that the loan case had already been forwarded and that there was no pending work relating to the said loan case which required the appellant to furnish the dispatch number to the complainant.

33. The defence taken by the appellant in his statement under Section 313 Cr.P.C. is also substantially corroborated by the testimony of DW1 to DW3. The defence evidence regarding the earlier recovery proceedings against the relatives of the complainant and the shadow witness also provides a plausible basis for the appellant's plea of false implication.

34. The prosecution is required to establish the foundational facts necessary for sustaining a conviction under the PC Act. In the present case, the demand of illegal gratification is itself rendered doubtful on account of the material discrepancies in the testimony of PW6-Baljit Singh and PW7-Balkar Singh, coupled with the documentary evidence regarding the prior dispatch of the loan case.



The mere recovery of the currency notes, therefore, cannot by itself be treated as sufficient to sustain the conviction when the evidence regarding the essential ingredient of demand is found to be doubtful.

35. The law relied upon by learned Senior Counsel for the appellant also emphasizes the necessity of establishing the demand for illegal gratification. In the facts of the present case, the evidence led by the prosecution does not inspire sufficient confidence regarding the alleged demand, particularly when considered alongside the defence evidence and the material contradictions appearing in the testimony of the complainant and shadow witness.

36. As regards the statutory presumption under Section 20 of the PC Act, such presumption cannot be considered in isolation from the foundational facts required to be established by the prosecution. In the present case, for the reasons discussed above, the prosecution evidence regarding the demand and acceptance of illegal gratification is not free from reasonable doubt. The defence has also placed sufficient material on record to render the prosecution version doubtful.

37. On an overall appreciation of the evidence, this Court finds that the prosecution has failed to establish the charge against the appellant beyond reasonable doubt. The testimony of PW6-Baljit Singh and PW7-Balkar Singh does not inspire confidence to the extent required to sustain the conviction, particularly in view of their material



discrepancies, the background of the previous recovery proceedings involving their close relatives, and the documentary evidence produced by the defence regarding the dispatch of the loan case.

38. **Consequently, present appeal is allowed.** The judgment of conviction and order of sentence dated 18.02.2005 passed by learned Special Judge, Patiala, are set aside. Appellant-Sukhminder Singh is acquitted of the charges framed against him.

39. **Appellant shall be entitled to the benefit of acquittal in accordance with law. The bail bonds, if any, furnished by him shall stand discharged.**

40. **Appeal stands disposed of accordingly.**

08.09.2026
Rashmi

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	✓Yes/ No
<i>Whether reportable</i>	✓Yes/ No