

Supreme Court Affirms Summon Orders Against Police Officials Accused Of Corruption

GURDEV SINGH BHALLA

...Appellant

STATE OF PUNJAB & ORS.

...Respondent

Case No: SLP(Crl.) No. 11654 of 2023

Judges :

**J. VIKRAM NATH,
J. RAJESH BINDAL**

[Download Judgment : Click Here](#)

Facts:

Punjab Agro Foodgrains Corporation filed a complaint against Devraj Miglani for misappropriation of paddy worth Rs. 4.18 crores. FIR No. 91/2012 was registered and investigation was transferred to Vigilance Bureau where appellant Gurdev Singh Bhalla was posted as Inspector. Devraj was arrested on 31.08.2013. He was granted police remand till 06.09.2013 and then sent to judicial custody. On 06.09.2013, Head Constable Kikkar Singh approached Devraj's niece Ritu at her workplace in SBI demanding Rs. 50,000 against a slip written by Devraj. This was informed by Devraj's son Puneet Miglani (informant in present case) to the Magistrate. Direction was issued to

register FIR No. 11/2013 against Head Constable Kikkar Singh. Investigation was completed and chargesheet filed only against Kikkar Singh under PC Act and IPC Sections. In the trial arising from FIR No. 11/2013, on 29.09.2014, Puneet Miglani filed an application under Section 319 CrPC for summoning appellant Gurdev Singh Bhalla and three other police officials as additional accused. The application was initially rejected by the Trial Court for want of sanction under PC Act/CrPC. High Court remanded the matter back to consider it on merits ignoring sanction issue. On remand, the Trial Court allowed the application and summoned the appellant and three other police officials as additional accused. Appellant challenged this order before the High Court but it was dismissed.

Arguments :

Appellant:

Summoning order was against principles laid down in Hardeep Singh case. It was a pressure tactic by Puneet Miglani to browbeat the appellant as he had deposed against Puneet's father Devraj. Puneet being a convict, no reliance should be placed on his statement. There was no evidence to justify summoning under Section 319 CrPC. The complaint on 06.09.2013 did not name the appellant and only mentioned demand of Rs. 50,000. The subsequent allegation of demanding Rs. 24 lakhs was an afterthought.

State:

Courts below correctly appreciated the evidence on record. Police officials harassed and tortured Devraj and family members to extract money. Statements of witnesses consistent in narrating the sequence of events and demand of money. Amount initially mentioned was of one incident. Subsequent revelation of higher amount was regarding entire chain of incidents. Application under Section 319 CrPC was moved much before appellant deposed against Devraj.

Informant's Wife:

Supported State's submissions.

Huge amount was demanded by officials for extending favors to Devraj.

Prayed that officials be tried for their crimes.

Elaborate Opinions:

The complaint on 06.09.2013 related to one incident at the bank regarding Rs. 50,000. The subsequent statements have consistently revealed the larger story right from Devraj's arrest about torture and demand of Rs. 24 lakhs by officials for various favors to Devraj.

The judgments in Hardeep Singh case regarding summation under Section 319 CrPC are fully satisfied as there appears to be prima facie evidence against the appellant on record to make it a triable case.

Browbeating argument could be taken as a defense by appellant during trial but application under Section 319 CrPC was moved much before appellant deposed against Devraj.

Detailed examination of witnesses' statements is avoided as it may influence the Trial Court. Observations in this order will not influence the Trial Court in deciding the case on merits.

Sections:

Section 319 CrPC: Power of Court to proceed against other persons appearing to be guilty of offence

Section 197 CrPC: Prosecution of Judges and public servants

Prevention of Corruption Act, 1988

Indian Penal Code 1860

Cases Referred:

Hardeep Singh vs State of Punjab (2014) – Principles for summoning additional accused under Section 319 CrPC

Conclusion:

There appears to be prima facie evidence against the appellant on record to make it a triable case. The impugned order summoning the appellant and police officials as additional accused is upheld. The appeal is dismissed. Observations made in this order will not influence the trial.