

News

In a graft case, the Supreme Court gives Patwari anticipatory bail and chastises the HC for its "cryptic, unusual" ruling.



A challenge against a Punjab & Haryana High Court order was being heard by the court.

While praising the Punjab & Haryana High Court for issuing a "cryptic and unusual" decision in his plea, the Supreme Court on Wednesday granted anticipatory release to a Patwari in a corruption case.

A bench of Justices **JB Pardiwala** and **Sandeep Mehta** was considering a plea against a Punjab & Haryana High Court order that, rather than ruling on the anticipatory bail application, had requested an explanation from the Director General of Police (DGP) as to

why the petitioner was not arrested for four years and why the charge sheet under Section 173(2) of the Code of Criminal Procedure (CrPC) was not filed.

The Court ruled that such inquiries were inappropriate, pointing out that anticipatory bail may be granted based only on the four-year delay in the arrest.

The way the High Court handled the anticipatory bail request is not one that we appreciate. The High Court ought to have either granted anticipatory bail or rejected the motion based on its own merits. Surprisingly, the High Court granted anticipatory bail to a co-accused who is accused of accepting the bribe amount. The Supreme Court stated that the High Court had good reason to exercise its discretion and grant anticipatory bail because the petitioner had not been arrested for four years.

The case stems from a First Information Report (FIR) against petitioner Gursewak Singh, a Patwari, and others that was filed in 2021 at the Economic Offences Branch Police Station in Ludhiana. Allegations of bribery led to charges against him under Sections 7 and 7A of the Prevention of Corruption Act, 1988, as well as Section 120B of the Indian Penal Code (Criminal Conspiracy).

Singh was placed on suspension after the FIR was registered. On September 27, 2023, he was reinstated when the suspension was lifted. Interestingly, the investigative agency did not try to arrest him for almost four years following the FIR.

The petitioner was instructed to appear before the Deputy Superintendent of Police, Economic Offences Branch, by a notification from the Deputy Commissioner in 2025. He went to the Punjab & Haryana High Court to request anticipatory release after being arrested.

However, the High Court did not rule on the merits of the application. Rather, it ordered the Punjab DGP to submit an affidavit outlining the reasons why the arrested accused had not been the subject of the final report under Section 173(2) CrPC.

This order infuriated the petitioner, so they went to the Supreme Court.

The court noted that there was no need to wait for the ultimate ruling even if the case was still pending before the Punjab & Haryana High Court.

For this reason, it ordered the petitioner to be freed on bond with restrictions set by the investigating officer.

"From a broad perspective, even though the case is still pending before the High Court, we don't currently need to wait for the court to issue a final ruling. In the event that the petitioner is arrested in relation to First Information Report No.05/2021 filed with the Economic Offence Branch Police Station in District Ludhiana, Punjab, we, the court, exercise our discretion and order that he be released on bail, subject to any terms and conditions that the investigating officer may think appropriate to impose.

The petitioner was represented by attorneys Arun Singh, **Muskan Nagpal**, **Prannv Dhawan**, and Amit Gupta.

Advocate Siddhant and additional Advocate General Vivek Jain represented the State.