

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-20196 of 2015
Date of decision : 02.07.2015**

Vinay Kumar

..... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. P.K.S. Phoolka, Advocate for petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

DARSHAN SINGH, J (ORAL)

The present petition has been filed for grant of the regular bail by the petitioner in case FIR No.9 dated 18.05.2015 under Section 7, 13(2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Bathinda.

2. As per the prosecution allegations, the petitioner was caught red-handed while accepting the bribe of Rs.50,000/- i.e. Rs.10,000/- by cash and Rs.40,000/- by cheque, for issuing the birth certificate of the aunt of the complainant.

3. Learned counsel for the petitioner pleads that it is highly

unbelievable that a person will accept the bribe through cheque. He further contends that the petitioner has been falsely implicated in this case. He is in custody for the last one and a half month and is no longer required for the purpose of investigation, as he has already been remanded to judicial custody.

4. On the other hand, learned State counsel has opposed the plea of the bail on the ground that the petitioner was caught red-handed while accepting the illegal gratification.

5. The aforesaid contentions have been duly considered.

6. The plea raised by learned counsel for the petitioner that the prosecution version that the bribe was being accepted through cheque is unbelievable, is a question touching the merits of the case, which can only be ascertained on appreciation of evidence. At this stage it is suffice to mention that the petitioner has already been remanded to judicial custody and no longer required for investigation. The recovery has already been effected. He is in custody for the last about one and a half month. The conclusion of the trial will take time as even the challan has not been filed so far. So, the further detention of the petitioner will not serve any purpose.

7. Thus, the present petition is hereby allowed. Petitioner Vinay Kumar is ordered to be released on bail on furnishing personal/surety bonds to the satisfaction of learned Special Judge, Bathinda.

02.07.2015

sunil yadav

(DARSHAN SINGH)
JUDGE