

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

**Criminal Misc. No. M-34672 of 2015
Date of Decision: 20.10.2015**

Naib Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Mohinder Singh Joshi, Advocate
for the petitioner.

Mr. P.S. Bajwa, DAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No 14 dated 21.9.2015 under Sections 8/9 of the Prevention of Corruption Act, 1988 ('the Act' for short), registered at Police Station FS-1, Vigilance Bureau, Phase-8, Mohali.

Learned counsel for the petitioner submits that since the petitioner has retired on 30.4.2015, provisions of the Act would not be attracted against him. In such a situation, no case would be made out against the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from Inspector Ashok Kumar, submits that although it is correct that petitioner retired on 30.4.2015, yet he was working expecting sanction for extension in service from the competent authority. He further submits that it has been so clarified in the FIR itself. In this view of the matter, provisions of the Act would be

attracted against the petitioner. He prays for dismissal of the present petition.

Having heard learned counsel for the parties and after careful perusal of record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said because admittedly, the petitioner has retired on 30.4.2015. It is also not in dispute that sanction for his re-employment or extension in service was not granted by the competent authority. In such a situation, it shall be a debatable issue before the learned trial court whether provisions of the Act would be attracted against the petitioner or not.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

20.10.2015
AK Sharma