

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

CRM-M No.35018 of 2015

Date of Decision:-10.12.2015

Bhupinder Singh Sra.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.C. Pathela, Advocate for the Petitioner.

Mr. Mikhail Kad, AAG Punjab.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Bhupinder Singh Sra in case FIR No.19 dated 18.09.2015 for offences punishable under Sections 420, 120-B of Indian Penal Code and Section 13(1)(D) r/w Section 13(2) of Prevention of Corruption Act, 1988, registered with Police Station Vigilance Bureau, Bathinda.

As per the allegations the petitioner is alleged to have auctioned shops to the sub tenants/unauthorised occupants pursuant to a circular dated 14.6.2009 Annexure P-2, which was subsequently withdrawn on 10.03.2011.

It is contended that no doubt at the time of auction the circular stood withdrawn, however, the same was not in the knowledge of the Municipal Council. The petitioner who was working as an Executive

Officer had conducted an auction pursuant to a resolution passed by the Municipal Council and the entire amount collected was deposited in the coffers of the Municipal Council used by it for disbursing the salary of the staff. It is thus contended that no offence is made out qua present petitioner.

Petitioner is stated to be in custody since 18.09.2015 and a false case has been foisted upon him at the instance of new management of the Municipal Council. It is further stated that investigation qua him are over.

Learned State Counsel on instructions from ASI Harminder Singh concedes that the investigation qua the sole accused are over.

Without commenting on the merits of the case, keeping in view the period of incarceration and investigation qua him being over, this Court finds that petitioner-accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Bathinda.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

December 10, 2015
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