

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

Crl. Misc. No.M-3551 of 2015

Date of Decision: 10.02.2015

Balbir Singh

....Petitioner

Versus

Rajender Singh and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K.D.S. Hooda, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner during pendency of the complaint case No.02 of 2014 dated 22.02.2014 filed under Sections 7, 13(1)(c)(d) of the Prevention of Corruption Act and Section 120-B of the Indian Penal Code, pending in the Court of Special Judge, Bhiwani, vide which, the petitioner has been summoned to face trial vide Order dated 15.11.2014 for offence under Section 120-B IPC.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he is not connected with the allegations in any manner. He further submits that the allegations have been made against the petitioner with *mala fide* intention. He also submits that the petitioner was participant in first as well as in second auction and all procedures were adopted at the time of second auction as the earlier person, who gave the highest bid, has not come forward to deposit the amount. Learned counsel also submits that the petitioner is ready to join

the Court proceedings and nothing is to be recovered from him.

Heard the arguments of learned counsel for the petitioner and have also perused the complaint.

As per allegations in the complaint, the petitioner has been alleged to give bribe of ₹ one lac to *sarpanch* and other accused, namely, Kiran Bala and Rati Ram for offering low price of the ponds in presence of one Raghbir Singh. It has come in the order passed by the lower Court, while declining bail to the petitioner, that at the time of re-auction, there were only six bidders, who were present, and neither the BDPO nor any other officer was present and not only the irregularities were conducted in re-auctioning of the ponds but bid was also given on the lower side. The petitioner has been given benefit by the Sarpanch, against whom, the serious allegations are there.

Keeping in view the nature of allegations in the complaint and also that the action has been taken against *Sarpanch*, no ground is made out to grant anticipatory bail to the petitioner.

The petition is, accordingly, dismissed.

However, in case, the petitioner surrenders before the trial Court and moves an application for regular bail, the trial Court is directed to consider and decide the same in accordance with law.

The necessary exercise be done within three days from submission of application for regular bail by the petitioner.

10.02.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE