

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
2015.03.19 19:59
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CRM-M-8638-2015

Date of decision: 18.03.2015

ASI Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. M.K.Garg, Advocate, for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.32 dated 26.12.2014 registered under Sections 7/13(1) (d) and 13 (2) of the Prevention of Corruption Act, 1988 and 120-B of the Indian Penal Code, at Police Station Vigilance Bureau, Patiala.

Learned counsel for the petitioner, while referring to DDR Nos. 13 and 25, Annexure P-3 (colly), submits that petitioner was not physically available at the relevant point of time at the place of alleged occurrence. He also places reliance on an order dated 17.12.2014 (Annexure P-4) passed by the learned Special Court, Patiala, where the petitioner appeared as a witness on the said date. He further submits that even the co-accused of the petitioner namely Mukesh Kumar has also been granted the bail by the learned Special Judge, Patiala vide order dated 12.1.2015. He places reliance on the judgment of the Hon'ble Supreme Court in **Nilesh Dinkar Paradkar v. State of Maharashtra, 2011 (4) SCC 143**, to contend that identification of voice of the petitioner is yet to be established and the same cannot be presumed against him, at this stage. He, while referring to the

Mukesh Kumar, co-accused of the petitioner, was also not physically available at the place and time of occurrence. He also submits that at the time of alleged occurrence, nothing was recovered from the petitioner and he was at Delhi on the official duty, as per Annexure P-7. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, instant one has not been found to be a fit case for anticipatory bail.

The allegations against the petitioner are direct and specific which are serious in nature. It is too early to say that whether the voice in question was that of petitioner or not. It will be the subject matter of investigation and this Court would restrain itself to make any comment in this regard lest it should prejudice the rights of either of the parties. Keeping in view the nature of allegations levelled, this Court is of the considered view that custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency. The judgment of the Hon'ble Supreme Court in **Nilesh Dinkar Paradkar's** case (supra) was rendered in appeal and it goes without saying that petitioner will be at liberty to raise all the pleas available to him during the course of trial.

Keeping in view the totality of the facts and circumstances of the case noticed hereinabove, no case for anticipatory bail is made out.

Dismissed.

18.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE