

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27703-2016

Date of Decision: August 22, 2016

Dharampal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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M.M.S. BEDI, J (Oral)

The petitioner has been in custody, w.e.f. 06.08.2016, in a case which was registered by the petitioner under Section 21 of the NDPS Act against Balram Kumar as 1 gram intoxicating powder was recovered from him. Said Balram Kumar has allegedly made a statement under Section 164 Cr.P.C. against the petitioner, Head Constables Balraj Singh and Rachpal Singh and a Home Guard person, Bhupinder Kumar, that they had received a sum of Rs. 25,000/- from him for hushing up the case of NDPS Act.

A sum of Rs. 10,000/- was handed over to the petitioner as his share.

With the assistance of learned State counsel, I have gone through the statement of Balram Kumar under Section 164 Cr.P.C., on the basis of which the case was registered under Section 13(2) of the Prevention of Corruption Act against the petitioner and others by Sub Inspector, Gurvinder Singh. A perusal of the statement indicates that the grievance of Balram Kumar has been that despite of the fact that he had paid a sum of Rs. 25,000/-, the case was registered against him and he was harassed by Head Constable Rachpal Singh and Nikara @ Bhupinder Singh, the Home Guard employee. The culpability of the petitioner as per the statement under Section 164 Cr.P.C. of Balram Kumar is debatable. Balraj Singh and Rachpal Singh seem to have not yet been arrested.

Taking into consideration the nature of the material available on the file, the petitioner can be granted the concession of bail as prima-facie evidence regarding demand having been made by the petitioner or having accepted the money from the victim would be debatable. He being in custody, w.e.f. 06.08.2016, is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of CJM, Shri Muktsar

Sahib.

Petition is allowed.

(M.M.S. BEDI)
JUDGE

August 22, 2016
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No