

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

CRM-M-32585 of 2016

Date of decision: October 06, 2016

Manjinder Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Navkiran Singh, Advocate for the petitioner.

Mr. V. Ram Swaroop, Addl. A.G. Punjab.

Rajan Gupta, J.(oral)

This is a second petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 419, 420, 467, 468, 120-B IPC and Section 13 (2)/7 of Prevention of Corruption Act, 1988 at Police Station Khem Karan, District Tarn Taran, vide FIR No.17 dated 27.02.2015.

Learned counsel for the petitioner submits that there has been a change of circumstances. A compromise has been effected between the parties. Besides, petitioner is not a government servant, thus, the Act is not applicable. Therefore, petitioner is entitled to pre-arrest bail.

Plea has been opposed by learned State counsel. According to him, petitioner is a government servant and is amenable to Prevention of Corruption Act. Thus, he is not entitled to concession of pre-arrest bail. He seeks to place on record affidavit of Manmohan Kumar, Senior Superintendent of Police, Tarn Taran. Prayer is accepted. Affidavit is taken

on record.

It appears, a similar bail petition (CRM-M-15558-2015) was moved by the petitioner, which was dismissed by a detailed order on November 19, 2015. There are allegations against the petitioner that he acted in connivance with other co-accused in duping the complainant of her valuable land. The Prevention of Corruption Act has been invoked against the accused along with allegations of conspiracy (120-B IPC). It appears, investigating agency recorded statements of two persons namely, Jasbir Singh and Surjit Singh. They stated that photograph of complainant on the sale deed in question was affixed by the petitioner. He was given Rs.10,000/- for doing this job. Thumb impression of Amro was also taken on the sale deed. Record was also manipulated. In such circumstances, a compromise can be of no avail. I am of the considered view that the petitioner is not entitled to concession of pre-arrest bail. His custodial interrogation may be necessary to take the investigation to its logical end. Petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

October 06, 2016
'Rajpal'