

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3735 of 2016 (O&M)

Date of Decision: 27.04.2016

Bhupinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Baldev Sharma, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.02 dated 7.1.2016 under sections 7, 13(2) of Prevention of Corruption Act, registered at Police Station, Vigilance Bureau Unit Tarn Taran, District Amritsar.

On 3.2.2016, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would submit that the allegations against the present petitioner as regards receiving illegal gratification while discharging the duties of the post of Kanungo are completely unfounded and motivated inasmuch as the application submitted by the complainant for demarcation having been marked by the Tehsildar Patti, District Tarn Taran has not been acted upon inasmuch as the requisite demarcation was not done on account of objections having been raised by the owners of the adjacent land. It is submitted that only on account of demarcation exercise having not been carried out that the allegations have been levelled.

Notice of motion, returnable for 27.04.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation. In the

event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from V.I. Gurjinder Singh would apprise the Court that the petitioner has since joined investigation.

That apart, the contentions noticed on behalf of the petitioner as contained in the order dated 3.2.2016 have gone unrebutted.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.04.2016
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