

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2463 of 2018

Date of Decision: 10.05.2018

Harbhajan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Atul Lakhanpal, Sr. Advocate with
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.24 dated 17.11.2017 registered for offences punishable under Sections 7 and 13 (2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, District Ferozepur.

Heard.

Learned State counsel submits that petitioner, who was posted as head constable at Police Station Narcotic Cell at Moga alongwith his co-accused ASI Baljinder Singh, has demanded ₹1,50,000/- from complainant so as to give him clean-chit in a case registered for offences punishable under the provisions of Narcotic Durgs and Psychotropic Substances Act, 1985. The bargain was settled for ₹1,20,000/- and the same was paid to petitioner and his co-accused. Thereafter, they raised further demand of ₹2 lakhs for giving him clean-chit at which a trap was laid and petitioner was

arrested.

Learned counsel for the petitioner submits that after the arrest of petitioner on 17.11.2017, challan has been presented and prosecution has examined complainant, shadow witness and a public witness, who all have turned hostile.

Learned State counsel on instructions from ASI Guriqbal Singh endorses the submission of learned counsel for the petitioner regarding examination of prosecution witnesses and their turning hostile.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Harbhajan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

May 10, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No