

Crl. Misc. No. M-28489 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-28489 of 2018

DATE OF DECISION:31.07.2018

Sumit

.....Petitioner

Versus

CBI, Chandigarh

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ashok Kumar Sharma, Advocate
for the petitioner.

Mr. Sumeet Goel, Advocate
for the respondent.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Sumit in case FIR No. RCCHG 2018 A 0012 dated 14.5.2018 registered under Sections 120-B IPC, 7 and 13 (1) (d) read with Section 13 (2) of Prevention of Corruption Act, 1988 at Police Station CBI, ABC, Chandigarh.

Learned counsel for the petitioner contends that the petitioner is a young person and has falsely been implicated in the case. The petitioner was neither named in the FIR nor any role has been attributed to him. There is no evidence against the petitioner as well. The recovery has not been effected from the petitioner rather it has been effected from the main accused, who has already been released on regular bail. Learned counsel

further contends that the petitioner is in custody since 14.5.2018. Challan has already been presented and trial may take some time to conclude and no purpose would be served by keeping him behind the bars

Learned counsel for CBI has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence. However, he has not disputed the custody period. Learned counsel contends that in case the petitioner is released on bail, he may tamper with the evidence and try to influence the witnesses.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, the bribe amount was recovered from the possession of co-accused-Ajay and nothing was recovered from the petitioner. The name of the petitioner is not mentioned in the FIR. The petitioner is in custody since 14.5.2018. Challan has already been presented and custodial interrogation of the petitioner is not required.

Accordingly, the present petition is allowed and petitioner-Sumit is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

July 31, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No