

CRM No. M-30959 of 2017 and other connected petition 1

Sr. No.205

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

**CRM No. M-30959 of 2017 (O&M)
Date of Decision: 01.05.2018**

Jaspal Kumar
... Petitioner
Versus
State of Punjab
... Respondent

CRM No. M-42885 of 2017 (O&M)
Ramesh Kumar
... Petitioner
Versus
State of Punjab
... Respondent

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

Present:- Mr. Gaurav Mohunta, Advocate,
for the petitioner(s).

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-30959 of 2017 (Jaspal Kumar Vs. State of Punjab) and CRM No.M-42885 of 2017 (Ramesh Kumar Vs. State of Punjab) as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner(s) herein and arise out of the same FIR No.09 dated 28.06.2017 under Sections 7, 8, 13 (2) of Prevention of Corruption Act, 1988 read with Section 120-B IPC, registered at Police Station Vigilance Bureau, Bathinda, District Bathinda.

Petitioner(s) herein were stated to be serving as Reader

to the Naib Tehsildar and the Naib Tehsildar respectively.

Briefly noticed allegations are with regard to demand and acceptance of illegal gratification for execution of a sale deed pertaining to a parcel of land which stood mortgaged with the Punjab and Sind Bank.

During the course of arguments, it has gone uncontroverted that the allegation of demand and acceptance of illegal gratification was not qua the present petitioner(s) but against the Vasika Navees, namely, Suresh Kumar.

As per prosecution, it is a trap case and whereby the amount towards illegal gratification i.e. Rs.7000/- had been recovered from co-accused Suresh Kumar. Present petitioner(s) are sought to be implicated on the disclosure made by Suresh Kumar as also on account of their working as Naib Tehsildar and Reader to the Naib Tehsildar.

Counsel for the petitioner(s) has adverted to the documents placed on record at Annexures P-4 to P-6 to contend that sale deed had been executed on 28.06.2017 and the mortgage already stood redeemed on a date prior thereto and even the NOC had been issued by the Punjab and Sind Bank on 31.05.2017.

Learned State counsel upon instructions from Inspector Satpal Singh apprises the Court that petitioner(s) have otherwise joined investigation.

It is a case of documentary evidence. All the documents/evidence is already in possession with the Investigating Agency.

Under such circumstances, custodial interrogation of the petitioner(s) in these two connected petitions would not be warranted.

Without making any observations on merits, prayer made in these two petitions is accepted.

Order dated 24.08.2017 in CRM No.M-30959 of 2017 and Order dated 21.11.2017 in CRM No.M-42885 of 2017 passed by this Court are made absolute.

Petitions disposed of.

01.05.2018	(TEJINDER SINGH DHINDSA)
vandana	JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No