

CRM-M-44986-2018

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

CRM-M-44986-2018 (O & M)

Date of Decision: 22.11.2018

Harjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mansur Ali, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

CRM-38513-2018

Allowed as prayed for, subject to all just exceptions.

CRM-38514-2018

Allowed as prayed for. Annexure P-4 is taken on record,
subject to all just exceptions.

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Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.15 dated 21.08.2018, registered at Police Station Vigilance Bureau, Jalandhar, District Jalandhar, under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 and Section 120-B of the Indian

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Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that FIR, in the present case, has been got registered by complainant-Sukhdev Singh on the allegations that when he had approached the department for correction of entries in the birth certificate, the bribe was demanded. The present petitioner is not named in the FIR. There is no allegation by the complainant that he ever approached the petitioner or the petitioner ever demanded bribe from him or he ever paid the bribe to the petitioner. A trap was laid and one Thomas Masih was apprehended, who is a private person. The allegation against the present petitioner has come during the investigation that Thomas Masih had accepted the money on behalf of the present petitioner as well as Superintendent. There is also allegation that earlier, birth certificate with wrong particulars was issued and now, birth certificate with correct particulars has been issued under signatures of the present petitioner.

In pursuance of the interim order dated 16.10.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without

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expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 16.10.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

22.11.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No