

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47638-2018

Date of Decision: 07.12.2018

Gurwinder Singh and others

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.15 dated 10.08.2018, registered at Police Station Vigilance Bureau, Amritsar Range, District Amritsar, under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 and Sections 342/120-B of the Indian Penal Code.

Notice of motion was issued.

Learned State counsel has appeared 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 have gone through the record.

From the record, I find that the petitioners have not been named in the FIR. As per the prosecution version, the petitioners were the part of the police party headed by HC Balwinder Singh, who had picked up the brother of the complainant for demanding bribe money from him. Main accused HC Balwinder Singh was apprehended in a trap case while accepting the money etc. The present petitioners were not present at the

time of trap.

In pursuance of the interim order dated 29.10.2018, passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. No useful purpose would be served by sending them 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 expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 29.10.2018, granting interim bail to the petitioner, is made absolute. However, the petitioners 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.

07.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No