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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25252-2019 (O&M)

Date of Decision : September 27, 2019

Gurdeep Singh

.... Petitioner

Versus

State of Punjab and
another.

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Gurvinder Singh Dhillon, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab,
for respondent-State .

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail in case bearing FIR No. 09 dated 15.04.2019 (Annexure P/1) under Sections 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, 1988 (for short, "**the Act**") registered at Police Station Vigilance Bureau, Range Amritsar, District Amritsar.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. In an earlier FIR No. 32 dated 26.09.2016, he was arrayed as an accused for commission of offence punishable under Sections 7 and 13 of the Act registered at Police Station Vigilance Bureau, District Amritsar. The allegations therein were with regard to demand of bribe money from one restaurant owner at Bus

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Stand, Amritsar, but later on he was released on regular bail in the said FIR No. 32. If the prosecution wanted to recover anything from the petitioner, it could have been done there and then. Subsequent registration of present FIR against the petitioner is complete misuse of the process of law, which is strictly prohibited as per provisions of Section 300 of the Code of Criminal Procedure. Still, the petitioner is ready to join the investigation.

3. Learned State counsel while opposing the bail application contended that earlier case bearing FIR No. 32 was registered with regard to demand of bribe money and that case was registered in 2016. Thereafter, present FIR was registered on the allegations of disproportionate assets of the petitioner as his known income from all the sources was Rs.84,26,761/- and he had spent Rs.2,07,92,005/- i.e., 146.73% more than his income and the petitioner is a public servant. The petitioner is required for effective investigation of the said allegations and as such, the present petition for grant of anticipatory bail be dismissed.

4. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file, this Court is of the considered view that in the present case, there are specific allegations of disproportionate assesses of the petitioner and as such, the present FIR under Section 13(1)(b) and 13(2) of the Act has been registered against the petitioner. The earlier FIR bearing No. 32 was registered with regard to different incident and for entirely different set of allegations. The petitioner would be required for effective investigation of this case. As such, no case is made out for grant of pre-arrest bail to the petitioner in the present case.

5. Resultantly, the present petition stands dismissed in the above terms.

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6. Any observation made herein above shall have no bearing on the merits of the case.

(SHEKHER DHAWAN)
JUDGE

September 27, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes