

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

**CRM-M No.33311 of 2019 (O&M)
Decided on: 12.12.2019**

Jaswinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Amarinder Kaur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.38110 of 2019

Prayer in this application is for amendment in the headnote as well as the prayer clause of the main petition, for addition of Section 120-B IPC.

Heard.

For the reasons stated in the application, the same is allowed and Section 120-B IPC is ordered to be added in the headnote and the prayer clause of the main petition.

The Registry is directed to make necessary addition in the headnote and the prayer clause of the main petition.

CRM-M No.33311 of 2019 (O&M)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.90 dated 21.06.2019, for offence punishable

under Sections 420/34 of the Indian Penal Code, 1860 (in short 'IPC') (Section 120-B IPC added subsequently) and 7A of the of the Prevention of Corruption Act, 1988 (in short 'the P.C. Act'), registered at Police Station Barnala, District Barnala.

Counsel for the petitioner has argued that the petitioner is the first offender and he is in custody since 23.06.2019 and as per the allegations in the FIR, the complainant – Harinderdeep Kaur had given an amount of Rs.2 lacs to the petitioner for getting him the post of Peon. It is further argued that at the time of arrest, Rs.1.35 lacs was recovered from the petitioner and the petitioner is ready to deposit a sum of Rs.65,000/- within a period of 02 months. It is further submitted that even the statement of the complainant – Harinderdeep Kaur has been recorded before the trial Court and therefore, there is no possibility for the petitioner to tamper with the prosecution evidence.

Counsel for the State, on instructions from ASI Mahinder Singh, has not disputed the fact that Rs.1.35 lacs was recovered from the petitioner at the time of his arrest. It is also not disputed that the statement of the complainant has already been recorded by the trial Court on 23.10.2019.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 23.06.2019; the petitioner is ready to deposit an amount of Rs.65,000/-; the case is at the stage of recording the evidence of the prosecution witnesses; the complainant has already been examined and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety

bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

It is made clear that the petitioner will deposit an amount of Rs.65,000/- on or before 14.02.2020 with the trial Court, which is to be kept in an FDRs subject to final outcome of the case.

In case, the petitioner fail to deposit the aforesaid amount, the regular bail granted to him shall stand automatically dismissed.

12.12.2019
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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