

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

**CRM-M-34057-2019
Date of decision: 07.12.2019**

Kamlesh Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 165 dated 25.07.2017, registered under Sections 420, 120-B of the IPC and Section 13(1)D read with Section 13(2) of the Prevention of Corruption Act, 1988 at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that as per the allegations in the FIR, it is stated that complainant is a retired army officer and was looking for a job for his son and for that purpose, he approached petitioner, who was working as a nursing sister, for procuring a job in the health department and in that process, he paid Rs. 4 Lakh to the petitioner.

Learned counsel for the petitioner further submits that even on an earlier occasion, a complaint was filed by the complainant under Section 138 of N.I. Act against the petitioner and the same was withdrawn on 17.01.2019 by making a statement that he does not want to proceed with the case and the complaint be dismissed as withdrawn.

Learned counsel for the petitioner further submits that in fact it is a money dispute which has been converted into allegations levelled in the FIR.

Learned State counsel, on instructions from SI Puran Singh, has however, submits that out of Rs. 4 Lakh, an amount of Rs. 2 Lakh was returned and remaining amount of Rs. 2 Lakh is yet to be returned.

Learned State counsel, however, does not dispute the fact that petitioner is in judicial custody since 18.06.2019 and despite the lapse of more than three months, the investigation is not complete, though it is submitted that challan has been prepared and the same will be presented before the Court shortly.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is an old lady of 57 years of age; she is not involved in any other case; as per own version of the complainant, Rs. 2 Lakh stands returned to him and even the complaint filed by the complainant under Section 138 N.I. Act was withdrawn by him as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

07.12.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No