

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

CRM-M-36628-2019
Date of decision: 07.12.2019

ASI Shamsheer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Shakti Mehta, 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. 06 dated 30.05.2019, registered under Section 120-B IPC and Sections 7, 13(2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau Patiala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Rupinder Singh, it is stated that wife of the complainant is having a money dispute with her maternal uncle Malinder Singh and on that account, FIR No. 68 dated 14.05.2019 was registered under Sections 420 and 406 of the IPC at Police Station Urban Estate, Patiala against the wife of the complainant, wherein the petitioner was posted as Assistant Sub Inspector.

Learned counsel for the petitioner further submits that the complainant has further alleged that the petitioner had demanded an amount

of Rs. 50,000/- for getting his wife discharged from the case. It is further submitted that later on, on the basis of such allegations, a raid was conducted and co-accused ASI Ranjeet Singh was caught red handed along with Rs. 25,000/-, which, according to complainant, was to be paid to the petitioner.

Learned counsel for the petitioner further submits that in fact the wife of the complainant was arrested on 26.05.2019 and she was granted concession of regular bail on 19.07.2019. It is further submitted that the present FIR has been registered on 30.05.2019, whereas the petitioner was on leave from 29.05.2019 to 03.06.2019 and the same was sanctioned by the competent authority.

Learned counsel for the petitioner has drawn attention to the statement of the complainant, who appeared as PW-2, to submit that this witness has admitted that a number of cases are pending against his wife Navneet Kaur regarding cheating and this witness was declared hostile by the public prosecutor. It is further submitted that in cross-examination, when his statement Ex. P13 was put to him, he stated that he had not got it recorded in Ex. P13 that ASI Shamsher Singh told him that he will help his wife and he should pay Rs. 25,000/- to ASI Ranjeet Singh.

Learned counsel for the petitioner further referred to statement of PW-3 MHC Amarjit Singh to submit that the mobile phone recovered from the petitioner was never sent to FSL at any point of time.

Learned counsel for the petitioner further referred to statement of PW-4 HC Surinder Pal Singh, who has stated that he has not taken any case property to FSL relating to accused Shamsher Singh and documents

taken by him were not named or connected with accused Shamsheer Singh.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 30.05.2019 and since the statement of the complainant has already been recorded, who has not supported the prosecution version, the petitioner may be granted concession of regular bail.

Learned State counsel, on instructions from ASI Ashok Kumar, has not disputed the submissions of learned counsel for the petitioner made in light of statements of PW-2 to PW-4, however, submitted that aforesaid recovery was effected from co-accused Ranjeet Singh, who was caught red handed.

Learned State counsel further submitted that there are call recording of the petitioner with the complainant dated 30.05.2019, however, it is not disputed that there is no FSL report in this regard and the same was never put to complainant, who has produced the said recording, while recording his examination-in-chief.

It is also not disputed by learned State counsel that wife of the complainant, namely Navneet Kaur, is involved in a number of cases including a complaint under Section 138 N.I. Act and she is a habitual offender.

In reply, learned counsel for the petitioner submits that petitioner has a long service of 30 years and he was never involved in any such case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering

the aforesaid submissions of learned counsel for the parties and also in view of the statements of PW-2 to PW-4, 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