

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

**CRM-M No.51884 of 2019 (O&M)
Decided on: 12.12.2019**

Gurdeep Singh Patwari

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Dr. Govinder Singh Brar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

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.13 dated 06.11.2019, registered under Section 7 of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau Bathinda, District Bathinda.

Counsel for the petitioner has argued that the petitioner is working as a Revenue Patwari and the allegations in the FIR, registered at the instance of Jagsir Singh, are that he had taken a loan from the commission agent Baltej Singh, which was followed by a civil litigation in which the Civil Court passed a decree against him and his 03 acres of land was transferred in the name of the commission agent Baltej Singh by order of the Court. Later on, a compromise was effected between them and the commission agent Baltej Singh agreed that out of 03 acres of land, 02 kanals will be retained by him i.e. the commission agent Baltej Singh and the remaining amount will be transferred in the name of the complainant. It is further stated in the FIR that the petitioner for

the transfer of the land by way of the mutation has demanded some amount and was caught while taking the bribe.

Counsel for the petitioner has further argued that the petitioner is having a long clear record and is presently aged about 56 years and is a handicapped person. It is further submitted that the investigation is complete and he is no more required for further custodial interrogation.

Counsel for the State, on instructions from ASI Balwinder Singh, has not disputed the factual position but opposed the prayer for bail. It is also argued by counsel for the State that though, the challan has been prepared but the same has not been presented before the trial Court.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 06.11.2019; he is aged about 56 years; challan has not yet been presented before the trial Court; the custodial interrogation of the petitioner is no more required 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/Illaq 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.

(ARVIND SINGH SANGWAN)
JUDGE

12.12.2019
yakub

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No