

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

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CRM-M No.40802 of 2019

Date of Decision: 05.02.2020

SATWANT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S.Bedi, Sr.Advocate with
Mr.Himanshu Arora, Advocate
for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab..

RAJ MOHAN SINGH, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No. 0071 dated 31.7.2019 under Sections 384, 452, 120-B IPC and Sections 7, 13 of the Prevention of Corruption Act, 1988 and Section 59 of the Narcotics Drug and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force, District STF Wing Phase-4, SAS Nagar Mohali.

On 23.9.2019, while issuing notice of motion, following order was passed:-

*“Learned Senior counsel for the petitioner
contends that the present FIR No.0071 was*

registered under sections 384, 452, 120-B IPC and Section 7, 13 of Prevention of Corruption Act 1988 and Section 59 of NDPS Act on 31.07.2019 at Police Station Special Task Force, District STF Wing, Phase 4, SAS Nagar Mohali, which relates to the accused, namely, Kuldeep Singh who was arrested along with his wife on 28.07.2019 in FIR No.69 registered under section 21 NDPS Act at same police station when 280 grams heroin was recovered from his possession. During the interrogation Kuldeep Singh stated that on 15.05.2019, he was arrested with 8 grams of heroin and he was allowed to go by Sub Inspector Sukhmander Singh after taking bribe. The present FIR is lodged on those allegations against SI Sukhmander Singh, Kuldeep and two more accused, namely, Maninder and Lovepreet Singh. According to him, the bribe was delivered to SI Sukhmander Singh by Maninder and Lovepreet Singh.

Learned Senior counsel further contends that the indictment of the petitioner who is also a Police Officer is founded on the statement of the co-accused, namely, Jyoti who is a friend of co-accused-Lovepreet. It is pointed out that previously on number

of occasions, the petitioner has been associated with the investigation. However, his prayer for anticipatory bail has been declined on the ground that the phone belonging to Jyoti is yet to be recovered. The attention of the Court is invited to the order dated 16.09.2019 wherein it is observed that phone belonging to Jyoti had already been destroyed.

Notice of motion for 05.02.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from DSP Gurpreet Singh, states that the petitioner has joined the investigation, but recovery of Rs.4,00,000/- is yet to be effected.

The bail was declined to the petitioner on 16.9.2019 on the premise that mobile phone of Jyoti is yet to be recovered. The said assertion was duly denied on the strength that the mobile phone of Jyoti had already been destroyed. Thereafter,

petitioner gave his mobile phone to the Investigating agency. Petitioner is also ready to give his voice sample. The C.D. has not been sent to FSL for analysis till date. After passing of order dated 16.9.2019, statement of accused Kuldeep Singh has been recorded under Section 161 Cr.P.C. If that statement is co-related with the version given in the FIR, prima facie it would give different reading of the allegations vis-a-vis payment of tainted money of Rs. 4,00,000/-. The case would remain debatable on this score also.

The petitioner has joined the investigation and is ready to give his voice sample. Mobile phone of the petitioner has already been recovered by the Investigating agency.

In view of these attending circumstances, interim order dated 23.9.2019 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of accordingly.

January 05, 2020
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No