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

**CRM-M No.53361 of 2019
Date of Decision: 27.01.2020**

BALVINDER SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.617 dated 04.09.2019, registered under Sections 406, 420, 506 IPC and Section 13(1)(d) of the Prevention of Corruption Act, 1988 at Police Station Assandh, District Karnal.

Allegation against the petitioner is that his wife is a Municipal Councillor and the petitioner used to act on behalf of her wife. Karamvir Singh is also a Municipal Councillor. An amount of Rs.34,500/- is the alleged booty shared by the petitioner and Karamvir Singh jointly. The allegations are that both the accused in connivance of each other have filled forms

on behalf of many families by taking their documents for the allotment of houses in Pardhan Mantri Awaas Yojna.

Learned counsel for the petitioner submitted that though in the disclosure statement, the petitioner had disclosed about an amount of Rs.17,500/-, but he could facilitate recovery of Rs.5500/- only. The observations to the contrary recorded in para No.5 of the order dated 28.11.2019 passed by the Addl. Sessions Judge, Karnal is not correct.

Learned counsel further submitted that even after arrest of the petitioner, the police could recover the aforesaid amount only, despite police remand of the petitioner for one day. Remaining amount was statedly used by the petitioner in his domestic affairs. The police did not seek any extension of police remand. Petitioner is in custody since 05.09.2019.

Learned State counsel on instructions from ESI Harbhajan Singh submitted that challan has been presented. Out of total 12 witnesses, no prosecution witness has been examined so far and 01.02.2020 is the date fixed for framing of charges.

Petitioner is not a public servant. His involvement viz-a-viz. co-accused in order to attract offence under Prevention of Corruption Act, would be debatable at this stage.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 05.09.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 27, 2020

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No