

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

CRM-M No.55441 of 2019 (O&M)

Date of Decision:- 21.01.2020

Abhinav Kumar Khosla

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. B.K. Mehta, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.20 dated 05.12.2019, registered under Section 7 of Prevention of Corruption Act, 1988 as amended in 2018 and Section 120-B of IPC at Police Station Vigilance Bureau Patiala.

As per allegations in the FIR, DHO Raj Kumar had called the complainant to his house on 28.11.2019 to discuss about the bribe amount. DHO asked the complainant not to meet him through someone else, rather meet him directly. There was some discussion with regard to lumpsum payment of Rs.50,000/- for 3 months. There was some assurance from the complainant

side as well that he would pay Diwali after Diwali.

DHO further asked him to hand over the envelop to the Inspector and he would speak to the Inspector and thereafter, the complainant may pay the amount on Diwali festival, otherwise, he would click some photographs perfunctly in respect of inspection, so as to make the complainant suffer. In the present case, DHO rang up the Inspector i.e. the petitioner. At the instance of the complainant, DHO refused to accept the money directly, rather he advised him to pay the same to his driver namely Jagpal Singh. Ultimately, the amount was recovered from driver Jagpal Singh.

According to learned counsel for the petitioner, involvement of the petitioner would ramain debatable as the call from DHO was not considered by the petitioner to be legal and that is why nothing was recovered from the petitioner.

Learned State counsel on instructions from DSP Ranjit Singh opposed the bail on the ground that all the 3 accused were working in tandem and it was only on the demand of DHO, the amount was supposed to be paid to the petitioner and ultimately, due to connivance of the petitioner, the same was paid to driver Jagpal Singh.

In such a circumstance, the arrest of the petitioner from the spot would remain debatable in the context of payment and recovery of the incriminating amount. The petitioner is in

custody since 05.12.2019.

At this stage, without meaning anything on the merits of the case, it would be just and appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Barnala.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

21.01.2020
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(Raj Mohan Singh)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No