

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(210)

CRM-M-3400-2021 (O&M)
Date of Decision: April 20, 2021

Chamkaur Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karnail Singh Ahi, Advocate, for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.52 dated 14.05.2020, under Sections 384, 385, 342, 120-B IPC and under Sections 3, 4 & 5 of the Immoral Traffic Act (Prevention), 1956 as well as under Section 7 & 13 of the Prevention of Corruption Act, 1988 registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case and the allegations as alleged against him are false. Learned counsel for the petitioner submits that the involvement of the petitioner in the present case by the complainant is due to the mala-fide and petitioner has been involved on the asking of the other senior police officers. Learned counsel for the petitioner further submits

that as the petitioner has already undergone custody of 10 month and 29 days, hence he be granted the benefit of regular bail.

Custody certificate of the petitioner has been filed by the learned State counsel and the same is taken on record.

Learned counsel for the respondent-State argues that there are specific allegations against the petitioner in the FIR with regard to the demand of bribe and the payment of the same, which fact has also been prima facie corroborated by the recovery of bribe amount as well as in the preliminary enquiry, which has been conducted by the police, a copy of which has been attached by the petitioner as Annexure P-16, wherein the petitioner has been found guilty by the department itself and it has been recommended to dismiss the petitioner from service. Learned counsel for the respondent-State submits that as the petitioner is a police officer and the complainant and material witnesses are yet to be examined, the grant of bail to the petitioner will influence the trial hence, the prayer of the petitioner for the grant of regular bail may be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

A bare perusal of the FIR would show that there are specific and definite allegations against the petitioner seeking bribe and bribe being paid to him. These facts are conceded by the learned counsel for the petitioner. The allegations are very serious especially in view of the fact that petitioner is a police officer and his duty is to ensure that law and order prevails and no citizen is caused harassment.

Not only this, the preliminary enquiry conducted by the police department itself into the allegations, has prima facie found substance in

the allegations and a recommendation has also been made to dismiss the petitioner from service, hence, the arguments of learned counsel for the petitioner that petitioner is innocent and allegations in the FIR are motivated, cannot be accepted at this stage so as to grant him regular bail.

Keeping in view the above mentioned facts in mind including the gravity of the allegations against the petitioner, the arguments of the State counsel that the petitioner is a police officer, who is likely to influence the trial, in case he is granted bail at this stage as the complainant and the material witnesses are yet to be examined, cannot be brushed aside as an apprehension only and is worth acceptance in the facts and circumstances of this case at this stage.

Keeping in view the facts and the circumstances of the present case, which have been stated hereinbefore, the prayer of the petitioner for the grant of regular bail cannot be accepted.

Dismissed.

As the main petition has been dismissed, application i.e. CRM-4556-2021 stands infructuous.

April 20, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No