

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through Video Conferencing)**

Crl. Misc. M- 8396 of 2021 (O&M)
Date of Decision: 23.2.2021

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

JAISHREE THAKUR, J.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 128 dated 24.8.2020, under Sections 7 and 13 (2) of the Prevention of Corruption Act, 1988 registered at Police Station Khuian Sarvar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in this case. It is contended that the petitioner has been nominated only on the basis of a viral video, wherein one PHC Subhash Chander is seen taking money from a truck driver. It is further contended that the petitioner was sitting on a chair along the roadside with a distance of about 200 yards from the barricading and he had neither demanded nor accepted any money from anyone. It is also submitted that the petitioner has 20 years of service and there has been no complaint whatsoever against his service record and, therefore, the petitioner deserves the concession of anticipatory bail.

Per contra, learned counsel appearing on behalf of respondent-State, while opposing the anticipatory bail, submits that from the viral

video, PHG Subash Chander can be seen taking illegal gratification from a driver of the truck and the petitioner cannot shirk from his duty to what is happening at place of his duty and further involvement of the petitioner to collect money in connivance with said PHG Subash Chander cannot be ruled out at this stage of the investigation.

I have heard learned counsel for the parties and perused the paper book.

Undisputedly, the petitioner was nominated on 25.8.2020 on the recommendation of the DSP during investigation of the instant FIR. A per the FIR, from a viral video, one PHG Subash Chander can be seen taking money from a truck driver as bribe. The petitioner along with said Subash Chander was on duty at the barricade. The argument of the petitioner that he was just sitting on a chair along the roadside and, therefore, the question of his involvement in the corrupt practice does not arise, is not sustainable. The petitioner, who was working in a disciplined force, was supposed to be vigilant towards his duties and he simply cannot feign ignorance to what is happening around him. Even though may not be directly seen taking money, but the possibility of his involvement in collecting illegal money from truck drivers to allow them to pass through that particular route or otherwise, along with co-accused, namely PHG Subash Chander, cannot be ruled out at this stage of the investigation.

Therefore, finding no merit in this petition, the same is dismissed.

23.2.2021

prem

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No