

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

Criminal Misc.-M No.14029 of 2021
Date of Decision: April 09, 2021

Dharam Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prateek Gupta, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.7 dated 09.03.2021, under Section 7 Prevention of Corruption (Amendment) Act, 1988, registered at Police Station, Vigilance Bureau, Patiala, District Patiala. The petitioner is in custody since his arrest on 09.03.2021.

The present FIR was registered on the basis of the statement of complainant Nazar Singh, wherein it was alleged that the accused being a Patwari demanded illegal gratification of Rs.15,000/- from him for entering the land of his deceased brother Kala Singh in the name of his mother. He made audio/video recording of the whole conversation between him and Dharamraj Patwari in his mobile phone. As per demand, he has already given Rs.5,000/- and the remaining amount of Rs.10,000/- was to be paid to him. Thereafter, a trap was planned by the Vigilance Bureau. The complainant along with shadow witness Ishesh Thakur went to Dharamraj

Patwari and enquired about his work, who told them that the work would be done soon. Dharamraj Patwari asked for remaining money. Thereafter, he delivered the tainted notes of Rs.10,000/- to the accused, who received the same and kept them in the documents. The shadow witness gave the requisite signal to the raiding party and then he was nabbed red handed. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that as per the allegations, petitioner demanded Rs.15,000/- as gratification for entering the land of his deceased brother Kala Singh in the name of his mother, but according to prosecution, a sum of Rs.10,000/- was got recovered from him. He submits that in the given facts, the further custody of the petitioner may not be necessary for any investigation, which is nearly complete. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by DSP Satpal Singh, on the ground that the currency notes were marked and were recovered from his possession, however, it is not disputed by him that the investigation of the case is almost complete and the challan is likely to be filed in the near future.

Considering the above background and the fact that the trial is likely to consume considerable time, further detention of the petitioner may not be necessary for any useful purpose, who is confined in judicial custody since his arrest on 09.03.2021. Apart from it, the material witnesses are either complainant or police officials and there does not seem to be any possibility of these being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner

be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

April 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No