

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20484-2021 (O&M)

DATE OF DECISION: JUNE 10, 2021

JASPAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. A.K. WALIA, ADVOCATE FOR THE PETITIONER.
MR. SAURAV KHURANA, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-16396-2021

This is an application for amendment of headnote of the petition as Section 409 IPC has been added subsequently.

Application is allowed. Amended headnote is taken on record.

CRM allowed.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.09 dated 16.3.2021, under Section 7 of Prevention of Corruption Act, 1988 (later on converted under 13(2) Prevention of Corruption Act, 1988) and Section 384, 409, 120-B IPC, Police Station Vigilance Bureau, Patiala. The petitioner is in custody since his arrest on 16.3.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Patiala, in the order dated 29.4.2021, are as under:-

“The police has registered the present FIR against the

applicant A.E cum Mining officer at the instance of complainant Deep Kumar, who is Civil Contractor. He lodged a complaint stating therein that the applicant demanded bribe of Rs.30,000/- from him. The allegations levelled by the complainant were verified. Thereafter, the FIR was registered and trap was laid. The applicant was allegedly caught red handed while accepting the bribe of Rs.30,000/- from the complainant. The bribe amount was recovered from the applicant, who was arrested on 16.03.2021.”

Learned counsel for the petitioner contends that a false case has been planted on the petitioner. He submits that the investigation in the present case is complete and nothing is to be recovered from the petitioner and therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel has filed reply by way of affidavit of Satpal, PPS, Deputy Superintendent of Police, Vigilance Bureau, Patiala and has opposed the prayer on the ground that allegations are serious and the said amount was recovered from the petitioner. However, it is not disputed that after completion of the investigation, the final report stands filed and the case is now fixed for 21.7.2021, before the trial Court.

After hearing the learned counsel for the parties, this Court is of the opinion that though the investigation of the case is complete and the final report stands filed, however, the charges are yet to be framed. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T.

Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 16.3.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

June 10, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No