

**217/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-23862-2021

DECIDED ON: 30th JUNE, 2021

AMIT KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in FIR No. 15, dated 21st May, 2021, under Sections 7 of the Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (Amendment) Act, 2018 and Section 120-B IPC registered at Police Station Vigilance Bureau, Patiala.

The FIR was a result of a complaint received that in the supply of milled paddy to the FCI, bribes were being demanded for passing the vehicle. It alleged that Naresh Kumar, Manager Quality Control demanded a bribe of ₹25,000/- per stack of rice. A trap was laid down, currency after applying the chemical was used. The money was handed over to Om Parkash who was caught red handed. The amount was recovered from Paramjit Sharma.

Learned counsel for the petitioner submits that the petitioner had no role. Only his presence is shown when money was demanded. The contention is that no recovery is to be made. He was not present at the time when the other co-accused were apprehended.

Learned State counsel, on instructions from ASI Balwinder Singh, submits that she is not in a position to dispute the fact that no specific role, demand or acceptance has been attributed to the petitioner. The petitioner is a depot incharge and was not apprehended at the spot when the trap was laid.

There is no specific role attributed to the petitioner. No recovery is to be made. The petitioner is said to be present at the time when the demand was made. The presentation of challan and conclusion of trial is likely to take time. In the facts and circumstances of the case, it would not be appropriate to deprive the petitioner of his personal liberty. The petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

30th JUNE, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>