

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

CRM-M-26092 of 2021

Date of Decision: 17.09.2021

Constable Palwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. J.S. Gill, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.26 dated 27.11.2020 under Section 7 of the Prevention of Corruption Act, 1988 read with Section 120-B IPC registered at P.S Vigilance Bureau, District Amritsar.

FIR was lodged on the complaint of Sukhwant Singh, who stated that his uncle Baldev Singh and Kanwalpreet Singh were running a shop under the name of Raj Khalsa Agriculture Store. On 22.08.2018, Gurharpreet Singh had broken CCTV camera installed in front of the said shop. Kanwalpreet Singh, Sukhwant Singh along with certain other persons had gone to the house of Gurharpreet Singh to question him in this regard. When they reached house of Gurharpreet Singh, Gurharpreet Singh along with others started quarreling with Kanwalpreet Singh, Baldev Singh and Sukhwant Singh and caused injuries to them. On a complaint having been made by Kanwalpreet Singh, FIR No.155 dated 24.08.2018

under Sections 324,323,427,148,149 IPC was registered at P.S Chatiwind against Gurharpreet Singh and others. Later, offence under Section 306 IPC was also added. In the complaint, Sukhwant Singh alleged that ASI Mohinder Singh, ASI Kuldeep Singh, MHC Palwinder Singh, HC Ram Singh, Constable Rajbir Singh, Constable Harpinder Singh, Constable Palwinder Singh (petitioner and PHG Latta Singh demanded bribe from the complainant to arrest accused-Gurharpreet Singh in FIR No.155 dated 24.08.2018.

It is the case of the prosecution that in the CCTV footage, the accused are clearly seen accepting money. As per the CCTV recording dated 21.08.2018, the petitioner is seen receiving an amount of Rs.1000/- from the complainant. He is further alleged to have received an amount of Rs.2000/- from the complainant, as per CCTV footage dated 06.11.2018.

Learned counsel for the petitioner contends that the petitioner is only a Constable having two minor children. He was accompanying the Investigating Officer. As per the allegations, the Investigating Officer had taken Rs.65000/- from the complainant. The petitioner had no direct role in arresting any of the accused. The petitioner is in custody since 27.11.2020. Investigation is complete and challan has been filed on 14.1.2021. The trial has not made any headway due to covid-19. The petitioner is the first offender and that there is no other case registered under the PC Act against him during his entire service career.

Without commenting anything on the merits of the case and also bearing in mind the custody period coupled with the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The

petition, as such, is accepted. The petitioner Constable Palwinder Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

September 17, 2021
manoj

(Harinder Singh Sidhu)
Judge

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