

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

CRM-M-27468-2021(O&M)

Date of decision: 27.07.2021

Buta Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Dr. (Mr.) Anmol Rattan Sidhu, Senior Advocate, with
Mr. Pratham Sethi, Advocate for the petitioners.

Mr. H. S. Sitta, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioners have filed this 4th petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 08 dated 16.06.2020, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, Sections 7 and 13(1)(a) of the P.C. Act, 1988, as amended by P.C. Act, 2018, at Police Station Vigilance Bureau Bathinda, District Bathinda. The charges were framed under Sections 120-B, 420, 467, 468, 471 of IPC and Sections 7, 7-A, 8, 9 and 13(2) of the Prevention of Corruption Act, 1988.

Learned Senior counsel for the petitioners submits that the petitioners have falsely been implicated in the present case, inasmuch as neither their names find mention in the FIR, nor there is any, prima-facie, evidential justification to show their complicity with the other co-accused. It is further submitted that the petitioners are the partners M/s G.B. Orhtopaedic Implants, Shop No. 14, Ajmer Market, Mehna Marg, Bathinda, and the name of the aforesaid medical shop surfaced during the investigation as regards purchase of medicines and surgical equipments from it on the basis of certain forged bills/quotations. It is further submitted that all the quotations and contracts regarding the purchase of the aforesaid items, are subject matter of scrutiny and verification by the concerned department and merely because the said items had been purchased from the shop of the petitioners, is no ground for their indictment.

Learned Senior counsel for the petitioners further submits that post presentation of the challan, charges have already been framed against the petitioners. The petitioners have been in custody since 24.06.2020. Moreover, similarly placed, co-accused Anil Kumar, has already been granted regular bail, vide order dated 08.04.2021 passed by this Court. There is no other case against the petitioners.

Learned State counsel, while opposing the prayer for regular bail, has not disputed the factum of custody period of the petitioners as well as the presentation of the challan before the trial Court.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 24.06.2020. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Similarly situated, co-accused has already been granted regular bail and there being no other case against the petitioners, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.07.2021

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No