

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-25648-2020

Date of Decision:05.01.2021

Gursewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Dilraj Singh Bhinder, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.12 dated 07.08.2020 under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Patiala.

As per FIR, the case was registered on the basis of complaint made by Sukhveer Singh, who had given his Kothi on rent to Dr. Amarjit Singh and Bhupinder Singh @ Rs.5,000/- per month, so as to open a hospital. However, after about 4-5 months, Dr. Amarjit Singh had a dispute with Bhupinder Singh and accordingly, Dr. Amarjit Singh left the Kothi, whereas Bhupinder Singh continued to run the laboratory in the said

premises. On 24.10.2018, a raid was conducted in the said laboratory by the health authorities i.e. Civil Surgeon, Patiala and Civil Surgeon, Barnala and FIR No.122 under Sections 420 IPC and 22, 23 and 25 PC and PNDT Act, Police Station Tapa was registered. The I.O. of the said case i.e. SI Amandeep Kaur reached at the spot and had taken into possession illegal documents and machines and by keeping the same in one room of the Kothi, the room was sealed and the keys were handed over to SI Amandeep Kaur. Petitioner-accused was also a member of the raiding party. As per health authorities, outer gate of the Kothi was not put under lock, but the petitioner has put the lock on the main gate and sealed the same. Thereafter, he made a phone call to the complainant to meet him at Police Station Tapa, failing which, he would be implicated as an accused in the aforesaid FIR. On 11.12.2018, the complainant had met the accused(present petitioner) at Police Station Tapa and then the petitioner demanded a sum of Rs.25,000/- from the complainant for giving him the keys of the Kothi and this conversation was recorded by the complainant. The said conversation was converted into a CD.

Learned counsel for the petitioner submits that neither the petitioner was Investigating Officer in the case, nor he was a member of the raiding party and the recorded conversation is seriously doubted. He further refers to the affidavit(Annexure P-2) submitted by the complainant-Sukhveer Singh, wherein he has asserted that he has deposed against the petitioner under influence of someone and on misunderstanding. Neither there is any conversation recorded in the case, nor the petitioner has ever demanded money from the complainant. He further submits that pursuant to the order dated 18.11.2020, the petitioner has appeared before the

Investigating Officer in the presence of SSP, Vigilance, Patiala, so as to give his voice samples for onward comparison. However, on account of COVID-19 pandemic, CFSL Laboratories are not working on full strength and therefore, the petitioner has given an undertaking/consent, so as to give his voice samples when situation improves.

Learned State Counsel, on instructions from SI Gurmeet Singh, has not disputed the fact that the petitioner has joined the investigation and appeared before the Investigating Officer and offered his voice samples for comparison of his voice. But on account of limited working of the CFSL Laboratories, his voice samples could not be collected.

Heard.

In view of the conceded position that the petitioner has offered his voice samples, but because of limited working in full strength by the CFSL Laboratories, his voice samples could not be recorded, the order dated November 18, 2020 passed by this Court, whereby the petitioner was admitted on *interim* bail, is hereby made absolute.

Petitioner is directed to join the investigation and to cooperate with the investigation as and when directed by the investigating agency. He shall comply with the conditions as envisaged under Section 438 Cr.P.C.

The present petition stands disposed of accordingly.

January 05, 2021
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No