

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

1. **CRM-M-31573-2020 (O&M)**
Date of Decision: March 31, 2021
(Heard through VC)

Lakhbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. **CRM-M-31882-2020 (O&M)**

Kali Charan

... Petitioner

Versus

State of Punjab

... Respondent

3. **CRM-M-31339-2020 (O&M)**

Abhishek Duggal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Prabhdeep Singh Bindra, Advocate,

Mr. Navjot Singh, Advocate,
Mr. Mansur Ali, Advocate with Mr. Imran Ali, Advocate
for the petitioner (s).

Ms. H. S. Grewal, Addl. A. G, Punjab.

JAISHREE THAKUR, J. (Oral)

1. This common order of mine shall dispose of all the above mentioned petitions as they are arising out of the same two FIRs. The petitions have been filed under Section 439 of the Code of Criminal Procedure seeking regular bail to the petitioner(s) in FIR No. 08 and FIR No. 09 dated 21.08.2020 registered under Sections 7, 7(A) and 8 of the Prevention of Corruption Act as amended by P.C. Act, 2018 and Sections 420, 465, 467, 468, 471 and 120-B of Indian Penal Code registered at Police Station Vigilance Bureau, Phase-1, SAS Nagar, Mohali.

2. Learned counsel for the petitioners *inter-alia* would contend that the petitioners have been arrested under the aforesaid FIR and their prosecution itself is not maintainable since sanction to prosecute has not been obtained as on date under Section 17-A of the P.C. Act, 2018. Apart from the said sanction, it is submitted that the matter already stands investigated and the challan stands presented. Therefore, they would be entitled to grant of regular bail. It is also brought to the notice that interim bail on medical/other grounds has already been allowed to the petitioners by this Court.

4. Per contra, learned counsel for the respondent-State on the asking of the Court very fairly submits that as on date sanction to prosecute the petitioners i.e. .Lakhbir Singh (ETO) in CRM-M-31573-2020, Kali

Charan (ETO) in CRM-M- 31882-2020 and Abhishek Duggal (ETO) in CRM-M-31339-2020 has not been obtained under the P.C. Act, 2018 while affirming that the investigation qua the petitioners herein is complete and the challan has been presented.

5. I have heard the learned counsel for the parties and while taking note of the fact that sanction to prosecute has not been obtained so far, while also taking note of the fact that they are in custody since the registration of the FIR, some of them being in custody since June 2020 itself, deem it appropriate to allow regular bail to the above-mentioned petitioners, as no useful purpose would be served in keeping the petitioners behind bars any longer. At this stage, without commenting on the merits of the case, the above mentioned petitions are allowed and the interim-bail allowed to the petitioners is made absolute subject to the condition of execution of fresh personal bond for the amount of Rs. 01 Lakh and one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate.

March 31, 2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No