

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

CRM-M-33327-2020 (O&M)
Date of Decision: March 31, 2021
(Heard through VC)

1.
Ram Kumar

... Petitioner

Versus

State of Punjab

... Respondent

2.
Japp alias Japsimran

CRM-M-34358-2020 (O&M)

... Petitioner

Versus

State of Punjab

... Respondent

3.
Shiv Kumar

CRM-M-37265-2020 (O&M)

... Petitioner

Versus

State of Punjab

... Respondent

4.
Satpal Singh Multani

CRM-M-33174-2020 (O&M)

... Petitioner

Versus

State of Punjab

... Respondent

5.

CRM-M-32398-2020 (O&M)

Vishwa Nath

... Petitioner

Versus

State of Punjab

... Respondent

6.

CRM-M-32807-2020 (O&M)

Vishavdeep Singh Bhangu

... Petitioner

Versus

State of Punjab

... Respondent

7.

CRM-M-33793-2020 (O&M)

Varun Nagpal

... Petitioner

Versus

State of Punjab

... Respondent

8.

CRM-M-35929-2020 (O&M)

Jasmeet Singh alias Prince

... Petitioner

Versus

State of Punjab

... Respondent

9.

CRM-M-35980-2020 (O&M)

Sukhwinder Singh alias Shinda

... Petitioner

Versus

State of Punjab

... Respondent

10.

CRM-M-37509-2020 (O&M)

Ranjit Kumar aliaais Gogi

... Petitioner

Versus

State of Punjab

... Respondent

11.

CRM-M- 39096-2020 (O&M)

Kamal Kumar Ahuja alias Rocky

... Petitioner

Versus

State of Punjab

... Respondent

12.

CRM-M- 39156-2020 (O&M)

Harshdeep Verma alias Harshdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

13.

CRM-M-40368-2020 (O&M)

Ishu Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate,
Mr. Bipan Ghai, Sr. Advocate with
Mr. Prabhdeep Singh Bindra, Advocate,
Mr. A.P.S. Deol, Sr. Advocate with
Mr. Vishal Rattan Lamba, Advocate,
Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate,
Mr. Dilraj Bhinder, Advocate,
Mr. G. S. Kaura, Advocate,
Mr. Varun Nagpal, Advocate ,
Ms. Puja Chopra, Advocate,
Mr. Navjot Singh, Advocate,
Mr. Vishwajit Bedi, Advocate,
Mr. Vishaldeep Goyal, Advocate,
Mr. Swarn Tiwana, Advocate,
Mr. C. L. Sharma, Advocate,
for the petitioner (s).

Mr. 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.

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. Japp alias Japsimran (ETO) in CRM-M-34358-2020, Ram Kumar (Inspector) in CRM-M-33327-2020, Satpal Singh Multani (AETC) in CRM-M-33174-2020, Vishavdeep Singh Bhangu (AETC) in CRM-M-32807-2020, Varun Nagpal (ETO) in CRM-M-33793-2020, 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. He further submits that the private petitioners i.e. Shiv Kumar (Clerk of Sadhu Transport) in CRM-M-37265-2020, Vishwa Nath (Passer) in CRM-M-32398-2020, Jasmeet Singh alias Prince (Passer) in CRM-M-35929-2020, Sukhwinder Singh alias Shinda (Passer) in CRM-M-35980-2020, Ranjit Singh alias Gogi (Passer) in CRM-M-37509-2020, Kamal Kumar Ahuja alias Rocky (Passer) in CRM-M-39096-2020, Harshdeep Verma alias Harsh Jhanji (Passer) in CRM-M-39156-2020, Ishu Sharma (Passer) in CRM-M-40368-2020, who have been nominated as accused

also stand investigated and the challan qua them also stands presented. Learned counsel for the respondent-State would submit that as they are not public servants and therefore the question of sanction to prosecute them would not arise.

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 petitioners, as no useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the above mentioned petitions are allowed and the petitioners are directed to be released on regular bail on execution of 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