

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-45547-2021

Date of decision: - 08.11.2021

ASI Chamkaur Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the fourth petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.52 dated 14.05.2020, registered under Sections 384, 385 and 120-B IPC (Section 342 of the IPC and Sections 7 & 13 of the Prevention of Corruption Act, 1988 have been added later on) and Sections 3, 4 and 5 of The Immoral Traffic (Prevention) Act, 1956, at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner argues that the present FIR was registered on the basis of a complaint filed by the complainant,

namely, Subash Chander alias Kali and now the said complainant has been examined, wherein, he has resiled from his statement as well as the allegations being alleged against the petitioner. Learned counsel for the petitioner submits that in view of the said fact, keeping the petitioner behind the bars will serve no purpose, therefore, he may kindly be extended the benefit of regular bail.

Learned State counsel submits that though a sum of Rs.60,000/- was recovered from the petitioner keeping in view the allegations alleged in the FIR, but concedes the fact that the complainant Subash Chander alias Kali has not supported the prosecution version.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Merely that the complainant has not supported the allegations alleged in the FIR or the prosecution story does not mean that petitioner is innocent. Innocence or the guilt of the petitioner is to be decided by the evidence, which will come on record during the trial. There are allegations against the petitioner with regard to violation of Prevention of Corruption Act, 1988.

As the complainant has already testified and the trial is likely to take some time to conclude, no useful purpose will be served by keeping the petitioner behind the bars any further during the trial especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is extended the concession of regular bail, he will maintain good conduct on bail and will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

November 08, 2021
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Whether reasoned/speaking?	Yes
Whether reportable?	No