

215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 04.04.2022

CRM-M No.3257 of 2021 (O&M)

1. Ram Singh (Head Constable) Petitioner
V/s.
State of PunjabRespondent

CRM-M No.5763 of 2021 (O&M)

2. Constable Harpinder Singh Petitioner
V/s.
State of PunjabRespondent

CRM-M No.7923 of 2021 (O&M)

3. SI Mohinder Singh Petitioner
V/s.
State of PunjabRespondent

CRM-M No.867 of 2021 (O&M)

4. Lata Singh Petitioner
V/s.
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sunny Sagar, Advocate,
Mr. G.B.S. Dhillon, Advocate
for the petitioner (in CRM-M-3257-2021).

Mr. L.S. Maan, Advocate,
Mr. Maninder Singh Bajwa, Advocate
for the petitioner (in CRM-M-5763-2021)

Mr. M.S. Rana, Advocate
for the petitioner (in CRM-M-7923-2021)

Mr.Brijesh Nandan, Advocate
for the petitioner (in CRM-M-867-2021)

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Rahul Bhargava, Advocate for the complainant.

Avneesh Jhingan, J. (Oral)

These four petitions are filed seeking regular bail in case of FIR No.
26 dated 27.11.2020, under Section 7 of Prevention of Corruption Act, 1988 (as
amended by 2018 Act) and Section 120-B, IPC, registered at Police Station
Vigilance Bureau, Amritsar, Punjab.

As per the allegations in FIR No.26, on 20.08.2018, Gurharpreet Singh had broken the CCTV camera installed outside the shop of the complainant-Sukhwant Singh. Complainant alongwith Pawan Singh and Baldev Singh went to the house of Gurharpreet Singh where an altercation took place and FIR No. 155 dated 24.08.2018 under Sections 326, 324, 323, 427, 148 and 149 IPC was got registered at Police Station Chattiwind, Amritsar (Rural) by Baldev Singh. The petitioners (police officials) demanded illegal gratification from Baldev Singh for arresting the accused in FIR No.155.

Learned counsel for the petitioners submit that the petitioner-SI Mohinder Singh is in custody since 14.12.2020 and other petitioners are in custody since 27.11.2020. The investigation is complete. The trial could not progress as the complainant during the pendency of the proceedings migrated to Canada and is not making himself available for deposition inspite of an order passed by the trial Court that the statement be recorded through video conference in the presence of the Consulate. It is further argued that the petitioners are not involved in any other FIR. Contention is that apart from the bald allegation, there is no proof with regard to the demand and acceptance of money.

Mr. Mehta, learned State counsel opposes the prayer of grant of bail and submits that there are serious allegations against the petitioners and there is CCTV footage of the incident.

Learned counsel for the complainant opposes the prayer and submits that the complainant is yet to be examined.

Without commenting upon the merits of the case and considering that the complainant migrated to Canada in 2021 and the trial is being delayed awaiting

the deposition of the complainant, the petitioners are the police officials and are not likely to abscond, though the investigation is complete but conclusion of trial is likely to take time, the petitioners are granted bail, subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

Since the main case is allowed, pending application, if any, renders infructuous.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

A photocopy of this order be placed on the files of the connected cases.

4th April, 2022

Sonia Puri

(AVNEESH JHINGAN)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/ No
Yes/No