

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

**CRM-M-5256 of 2022(O&M)
DECIDED ON:26th April, 2022**

Gurwinder Singh Gill

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. H.S. Deol, Advocate for petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.33 dated 27.12.2021, under Section 7 of the Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, Amritsar.

As per the case set up Ramandeep Singh, complainant, alleged that he had repeatedly filed applications for getting copies of file of family pension of his mother. Gurwinder Singh Gill (petitioner) demanded Rs.10,000/- which was paid and again on 27.12.2021, petitioner demanded further amount of Rs.35,000/- for supplying the photocopies. The deal was struck for Rs.25,000/-. On complaint made to the Vigilance Department, a trap was laid and Birinder Singh was caught red handed.

Learned counsel for the petitioner submits that it is a case of false implication. The bribe was never accepted by petitioner. It was Birinder Singh who was caught red handed. The Petitioner is in custody since 27.12.2021. Investigation is complete. He further relies upon the pleadings in the reply filed by the State that during inquiry it was found that the complainant earlier to 27.12.2021 had not filed any application for supply of photocopies of the pension filed. The contention is that sanction to prosecute is yet to be received.

Learned State counsel opposes the prayer and submits that allegations are serious, the amount was accepted by Birinder Singh on asking of petitioner in the presence of shadow witness.

The observations made hereinabove are only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

It would be a debatable question as to whether the pre-requisite of demand and acceptance of illegal gratification are fulfilled in the facts of the present case. The laced currency was recovered from co-accused Birinder Singh, though investigation is complete, in absence of sanction till date, the conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

26th April, 2022

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>