

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

CRM-M-8743 of 2022 (O&M)

DECIDED ON: 12th July, 2022

PHG Paramjit Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. B.S. Khehar, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Bail is sought by petitioner in case of FIR No. 128 dated 24.8.2020, under Sections 7, 13 (2) of PC Act, 1988, as amended by PC Act amendment, 2018, registered at Police Station Khuian Sarwar, District Fazilka, on the basis of parity with co-accused Subhash Chander PHG, who was granted bail by this Court on 5th July, 2022, by passing the following orders:

"This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 128 dated 24.8.2020, under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 (Amendment Act, 2018), registered at Police Station Khuian Sarwar, District Fazilka.

Petitioner-Subhash Chander was Police Home Guard. A video was viraled on social media with showing petitioner accepting illegal gratification from the truck driver at a naka.

Learned counsel for the petitioner submits that the petitioner is in custody since 27.1.2021. The contention is that the complainant and the material witnesses have been examined, the remaining prosecution witnesses are police officials.

Learned counsel for the State opposes the prayer for grant of bail.

Without commenting on the merits of the case, having conspectus of the facts, considering that though investigation is complete but conclusion of trial is likely to take time and the petitioner is not involved in any other case, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

Learned State counsel opposes the prayer for bail but on instruction is not able to distinguish parity of petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused, 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.

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

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

12th July, 2022

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