

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

CRM-M-28112 of 2022 (O&M)

DECIDED ON: 27th October, 2022

ASI Makhan Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. O.P. Kamboj, Advocate for petitioner.

Mr. Arun Luthra, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

CRM-40527 of 2022

Notice in the application.

Mr. Arun Luthra, DAG Punjab, accepts the same.

For the reasons stated in the application and after hearing learned counsel for parties, application is allowed subject to all just exceptions.

Annexures P3 and P4 are taken on record.

Main case

Petitioner is seeking regular bail in case of FIR No.9 dated 2.6.2022, under Section 7 of the Prevention of Corruption Act, 1988 as amended by P.C. (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, Range Ferozepur, District Ferozepur.

As per the case set up, petitioner-ASI Makhan Singh posted at Police Station Khui Khera, District Fazilka, demanded bribe for helping the brother of the complainant. Brother of the complainant was apprehended on 23/24.4.2022 along with the tractor trolley in a mining case. Illegal gratification was sought for helping in getting the bail and for release of vehicle on *superdari*. It was alleged that Rs.3000/- was paid to the petitioner

and there is a video recording of the incident.

Learned counsel for the petitioner submits that the petitioner is in custody since 2.6.2022. Investigation is complete. The complainant was declared hostile. The contention is that no recovery was made from the petitioner.

Learned State counsel on instruction from SI Machhinder Singh opposes the bail and submits that the complainant is yet to be further cross-examined and the next date fixed is 22.12.2022.

Without commenting upon the merits of the case or on the statement made by the complainant, considering that there was no recovery from the petitioner though investigation is complete conclusion of trial is likely to take time, petitioner being a police official *prima-facie* there is no chance of his absconding, 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.

27th October, 2022

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(AVNEESH JHINGAN)
JUDGE

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