

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46648-2022

Date of decision : 31.10.2022

Jagdeep Singh Inspector

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Darshan Singh Malwai, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.26 dated 25.09.2022 registered under Sections 420, 406, 409, 465, 467, 471, 120-B IPC at Police Station Vigilance Bureau, Patiala District Patiala.

On 11.10.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case there is no specific allegation levelled against the present petitioner with respect to any wrongdoing. It is submitted that the main accused in the present case, even as per the FIR, is the President of the Municipal Council and the petitioner was only the Sanitary Inspector, who was concerned with the business of cleanliness in the city and has no role to play in hiring of the vehicle or its repair or payment or calling of tender for advertisement. It is further submitted that although several allegations have been made in the FIR against the President but none of them are concerned with the present petitioner and even as per the order dated 04.10.2022 rejecting the anticipatory bail application of the petitioner, the

only allegation concerning the petitioner is with respect to release of Rs.28,800/- to the grandson of the president of the Municipal Council. It is stated that the petitioner is not the person who had got the amount released and had only prepared a comparative statement with respect to hiring of the vehicle. It is further stated that without admitting his liability, and in order to show his bonafide, the petitioner is ready to deposit an amount of Rs.28,800/- with the Municipal Council, Sunam within a period of two weeks from today. It is also stated that the petitioner is not involved in any other case.

Notice of motion for 31.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to deposit an amount of Rs.28,800/- with the Municipal Council, Sunam, within a period of two weeks from today and produce the receipt regarding the same on the next date of hearing.

It is made clear that in case the said amount is not deposited within a period of two weeks from today, then the interim order granted is liable to be vacated. The payment of Rs.28,800/- to the Municipal Council, Sunam, would be not construed as an admission of guilt by the petitioner.

October 11, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has also deposited an amount of Rs.28,800/- with the Municipal Council, Sunam.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation and has reiterated the fact that the petitioner has deposited an amount of Rs.28,800/-

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 11.10.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has deposited an amount of Rs.28,800/- with the Municipal Council, Sunam, the present petition is allowed and the interim order dated 11.10.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 31, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No