

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

CRM-M-48017 of 2022 (O&M)

DECIDED ON: 29th November, 2022

Constable Dalbir Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.S. Manaise, Advocate for petitioner.

Mr. Arun Luthra, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No. 149 dated 7.7.2022, under Section 21(b), 27, 29, 59(2) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 7, 13 of Prevention of Corruption Act, 1988 (for short 'PC Act') and Section 341, 394 IPC, registered at Police Station Special Task Force, Police District STF Wing, District SAS Nagar, Mohali.

The earlier petition was dismissed as withdrawn on 7.9.2022.

The relevant facts that that on 7.7.2022 police party received a secret information that Constable Guriqbal Singh and Senior Constable Dalbir Singh (petitioner) were taking bribe from innocent persons by threatening falsely implication in NDPS case. The accused were proclaiming themselves to be Incharge of STF Punjab police. Further that they had recovered 5 grams of *Heroin* from one Bhullar, kept the contraband and accepted the bribe of Rs.19,000/- for not registering the case. Later it was disclosed that name of Bhullar was Harmeet Singh.

Learned counsel for the petitioner submits that the second petition has been filed as the investigation is complete, challan was presented on 3.10.2022, no recovery is to be made and sanction to prosecute under Section 19 of the PC Act is yet to be received. He further relies upon the fact that co-accused Hermeet Singh and constable-Guriqbal Singh were granted bail by the Sessions Court.

Learned State counsel opposes the prayer and submits that allegations are serious. However, he on instructions from ASI Dashmesh Singh fairly submits that sanction to prosecute has not been received.

Without commenting upon the merits of the case, considering that co-accused were granted bail by the Court, the petitioner is in custody since 7.7.2022, conclusion of trial is likely to take time, sanction to prosecute has not been received, the 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.

29th November, 2022

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*