

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51739 of 2022(O&M)

Date of Decision: 22nd December, 2022

Naresh Kaler @ Naresh Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Cheema, Senior Advocate with
Mr. S. S. Behl, Advocate for the petitioner.
Mr. Shiva Khurmi, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking bail in FIR No.14 dated 23.8.2022, under Sections 7, 7(A) of Prevention of Corruption Act, 1988 and Sections 420 and 120-B IPC, registered at Police Station Vigilance Bureau, Jalandhar.

As per the case set up, a secret information was received by the officials of the Vigilance Bureau that Naresh Kaler @ Naresh Kumar (petitioner) working as Motor Vehicle Inspector was accepting illegal gratification through brokers, for issuing fitness certificate to the vehicles. A raid was conducted, co-accused were apprehended, the petitioner was arrested on 23.8.2022 and amount of Rs.50,000/- at his instance was recovered from his house.

Learned senior counsel appearing for the petitioner submits that investigation is complete, challan stands presented, till date sanction to prosecute is not granted and recovery at the instance of the petitioner does not connect him with the allegations in the present case. He further relies upon the fact that co-accused were granted bail.

Learned counsel for the State opposes the prayer for grant of bail. On instructions from Inspector Sakshi Sharma, he is not disputing the

fact that investigation qua the allegations in this FIR is complete, challan stands presented and sanction to prosecute is yet to be received. Submission is that an enquiry with regard to amassing disproportionate assets beyond the known source of income is pending.

Without commenting on the merits of the case, considering that no further recovery is to be made from the petitioner with regard to allegations in the FIR, sanction to prosecute is still awaited which indicates that 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.

Needless to say that the State would be at liberty to avail remedies in case of change of circumstances or there being fresh allegations.

[AVNEESH JHINGAN]
JUDGE

22nd December, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |