

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59564-2022 (O&M)
Date of decision: 20.12.2022

Gurdeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.277 dated 03.12.2022 under Sections 406, 420 IPC, registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner submits that previously, the petitioner was the President of District Congress Committee (Rural), Patiala and result of election for the post of Sarpanch was declared on 30.12.2018 and one Hans Raj was declared elected. Thereafter, the complainant filed an Election Petition, in which neither the petitioner was made a party nor there were allegations of taking Rs.6.00 lacs, as alleged in the present FIR. The Election Tribunal, vide order dated 15.09.2020, ordered re-counting of votes and

thereafter, the complainant was declared elected and the same was notified by the Election Commission on 22.10.2020. Thereafter, Hans Raj filed FAO-2932-2020 before this Court, challenging the order of the Election Tribunal and vide order dated 03.11.2020, while issuing notice of motion, operation of the impugned orders dated 10.08.2020 and 15.09.2020 was stayed by this Court and the said FAO is pending adjudication.

Learned counsel further submits that the complainant has already filed written statement in the said case and there is no allegation of giving Rs.6.00 lacs to the petitioner. It is also submitted that after a gap of about 04 years, present FIR has been registered by levelling allegation that the petitioner had taken Rs.6.00 lacs from the complainant.

Learned counsel has referred to two cases i.e. complaint dated 18.06.2022 given by the complainant to the police, in which it is stated that money was given prior to filing of the Election Petition; and the FIR, in which it is stated that amount was given after the result was declared by the Election Commission. It is submitted that in the complaint as well as FIR, no date, time or month was given.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. Anish Verma, Advocate has appeared on behalf of the complainant.

Learned counsel for the complainant has submitted that there are direct allegations that the petitioner took Rs.6.00 lacs for undue favour,

therefore, he does not deserve any concession of anticipatory bail. It is further submitted that the petitioner used his office for not giving certificate to the complainant by the Returning Officer.

After hearing learned counsel for the parties and considering the facts and circumstances of the case, present petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

20.12.2022

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No