

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

210

CRM-M-253-2023 (O&M)

Date of Decision: 24.01.2023

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurbir Singh Sidhu, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Gurpreet Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.28 dated 11.10.2022 at Police Station Vigilance Bureau Patiala, Patiala, under Section 7 of the Prevention of Corruption Act.
2. The FIR was lodged at the instance of DSP Satpal Sharma, pursuant to an inquiry conducted on a complaint received from Kulvir Singh, wherein it is alleged that an application for partition filed by his father Gurcharan Singh etc. was decided by the Court of Assistant Collector Ist Grade, Tapa on 28.05.2019 and that an amount of Rs.20,000/- was demanded by Paramjit Singh, Patwari for making an entry in respect of said decision and in respect of which Kulvir Singh son of Gurcharan Singh made an audio recording. It is alleged that while an entry regarding the said partition was recorded in the Daily Dairy by Paramjit Singh, Patwari on 08.02.2021 and the mutation in respect of the same was entered on

27.02.2021 and was sanctioned on 06.04.2021. It is further alleged that it was only on 10.05.2021 that the entry was uploaded on the software of the Revenue Department and that the said delay had been caused intentionally by the Patwari for the purpose of getting bribe.

3. Learned counsel for the petitioner has submitted that it is a case where no amount whatsoever is stated to have been passed on to the petitioner and at best the allegations would constitute a 'demand' only alleged to have been made on part of the petitioner. It has further been submitted that there is no inordinate delay in updating the software inasmuch as while mutation was sanctioned on 06.04.2021, the particulars of the same were uploaded on the software on 10.05.2021.
4. Opposing the petition, learned State counsel has submitted that there is audio conversation between the accused and the complainant, wherein it is clearly recorded that the petitioner had made a demand of Rs.20,000/-. Learned State counsel in this regard has drawn the attention of this Court to Annexure R-1/T annexed with the reply, which is in the shape of transcript of the said audio conversation.
5. This Court has considered rival submissions.
6. Having regard to the facts and circumstances of the case, this Court finds that it is a case where at best the factum of demand on part of the petitioner may be established. The petitioner otherwise is stated to have retired on 31.05.2021, whereas the instant FIR was lodged on 11.10.2022 i.e. after about 16 months. In any case, the matter in hand is not such where custodial interrogation of the petitioner is warranted, as nothing is required to be recovered from him. The petition, as such, is accepted and

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

7. It is further directed that the petitioner would be obliged to furnish his voice sample as and when directed. In case, the petitioner does not cooperate for the same, it shall be open for the prosecution to move for cancellation of bail.

24.01.2023
Vimal

(GURVINDER SINGH GILL)
JUDGE

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