

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 27th February, 2023

(1) CRM-M-45360 of 2021 (O&M)

Sukhwant Singh
Versus
Petitioner

State of Punjab
Respondent

(1) CRM-M-46311 of 2022

Prithipal Singh
Versus
Petitioner

State of Punjab
Respondent

(3) CRM-M-1344 of 2023

Malkit Singh
Versus
Petitioner

State of Punjab
Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J. K. Singla, Advocate for petitioner-Sukhwant Singh.
Mr. Vineet Sharma, Advocate for petitioner-Prithipal Singh.
Mr. Ankit Grewal, Advocate for petitioner-Malkit Singh.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

These three petitions are filed seeking regular bail in FIR No. 16 dated 14.7.2021, under Section 7 of the Prevention of Corruption Act, 1988, Sections 420 and 120-B IPC (Sections 465, 467, 468, 471 IPC added

later on), registered at Police Station Vigilance Bureau, Range Amritsar.

The earlier petitions in cases of petitioner-Prithipal Singh and Malkit Singh were dismissed as withdrawn.

The facts are that FIR was registered at the instance of Barinderpal Singh. The allegations were that petitioner-Prithipal Singh demanded money for procuring a job in a government department for nephew of the complainant namely Harmandeep Singh. The allegations were supported by an audio recording. A trap was laid. Petitioner-Prithipal Singh was caught red handed accepting amount of Rs.50,000/-. As per the case set up, petitioner-Prithipal Singh introduced the complainant with petitioner-Malkit Singh stating that he would arrange the job and the money was to be shared between the two. Name of petitioner-Sukhwant Singh surfaced in the disclosure statement of petitioner-Malkit Singh stating that he came in contact with Dominic Sahota who introduced him to petitioner-Sukhwant Singh.

Learned counsel for the petitioners submits that petitioners-Prithipal Singh, Malkit Singh and Sukhwant Singh are in custody since 14.7.2021, 14.7.2021 and 15.7.2021, respectively and the investigation is complete. It is argued that no recovery was made from petitioners-Malkit Singh and Sukhwant Singh and no recovery is to be made from petitioner-Prithipal Singh. Reliance is placed on the fact that co-accused Harpal Singh was granted bail by the Sessions Court.

Learned counsel for the State opposes the prayer for grant of bail, however on instructions from SI Som Nath fairly submits that no recovery was made from petitioners-Sukhwant Singh and Malkit Singh and

their names surfaced in the disclosure statements. He contends that petitioner-Prithipal Singh was caught red handed. He further submits that charges were framed but no prosecution witness has been examined.

Without commenting on the merits of the case, considering the nature of allegations against the petitioner, no recovery is to be made, though the investigation is complete conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main petitions have been decided, pending application(s) if any, is rendered infructuous.

Photocopy of the order be placed on the file of each connected case.

**[AVNEESH JHINGAN]
JUDGE**

27th February, 2023

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |