

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2926-2023 (O&M)
Date of Decision:-24.1.2023

Amar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chandan Singh, Advocate and
Mr. Satveer Singh Badal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Manoj Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.35, dated 24.3.2020 at Police Station City-1, Sangrur, under Section 13(2) of Prevention of Corruption Act, 1988 (Amendment Act 2018) and Section 52-A of Prisons Act, 1894.
2. The FIR was lodged at the instance of Rajesh Malik, who was involved in FIR No.102 dated 27.6.2020, wherein it has been alleged that during the period of COVID-19 pandemic, he was shifted from Ludhiana Jail to Sangrur Jail, where he was deliberately kept in barrack No.5 against his request. Though on medical grounds he was shifted to Jail Hospital but later was again taken back to barrack No.5 and was kept in solitary confinement.

3. It is alleged that Hawaldar Dhanna Singh threatened him on behalf of Superintendent of Police, Jail and Deputy Superintendent of Police, Jail and demanded an amount of Rs.50,000/- for the purpose of taking him out of the solitary confinement and the complainant was told to deposit the amount in account No.029301-52413. It is alleged that on account of said threat, an amount of Rs.20,000/- was deposited by complainant's wife in the aforesaid bank account on or about 15.8.2020 and it was thereafter that he was shifted back to Jail Hospital and was later told to pay another installment. It is further the case of prosecution that during the course of investigation by Special Investigation Team (SIT), the involvement of the petitioner Amar Singh and of Balwinder Singh also came to be known.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and as a matter of fact as on the date of alleged payment of Rs.20,000/-, the petitioner was not even posted at Sangrur as he had joined at District Jail, Sangrur on 17.8.2020.
5. Opposing the petition, learned State counsel has submitted as a matter of fact it was on 14.8.2020 that transfer orders had been issued in respect of the petitioner. It has further been informed that the petitioner stands involved in another case of identical nature, wherein allegations are pertaining to demand of an amount of Rs.6.70 lakhs. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and 10 days and as many as 19 PWs have been cited.
6. This Court has considered the rival submissions.
7. Without commenting anything as regards the merits of the case, but having regard to the custody of the petitioner and also the fact that conclusion of trial is likely to take some time inasmuch as the trial has not even

commenced till date and as many as 19 PWs have been cited, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.1.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No