

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

(I)

CRM-M-2594-2023 (O&M)
Date of Decision:- 09.05.2023

Gurjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-4706-2023 (O&M)

Piyush Anand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate,
for the petitioner in CRM-M-2594-2023.

Mr. Ajit Pal Singh Sabarwal, Advocate,
for the petitioner in CRM-M-4706-2023.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by DSP Sukhjinder Singh.

FIR No.	DATE	POLICE STATION	OFFENCES
16	15.11.2022	EO Wing, Punjab Vigilance Bureau, Ludhiana	7 and 7-A of Prevention of Corruption Act and 120-B, 420 IPC

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Gurjinder Singh and Piyush Anand, have approached this Court seeking grant of regular bail in a case arising out of above mentioned FIR.
2. The FIR in question was lodged at the instance of Kailash wherein it is alleged that he is a scrap dealer and is running a firm under the name and style of M/s Shiva Enterprises and used to supply scrap in the local market and also used to sell it to other States. The complainant alleged that one person namely Piyush Anand accompanied by ASI Gurjinder Singh came to his godown and told him that since the complainant was sending scrap to other States, he could be apprehended by officials of the Excise Department. The said two persons told the complainant to pay an amount of Rs.70,000/- per month to senior officers and Rs.5000/- per month to them so that the complainant does not face any problem in transportation of scrap. Since, the complainant did not wish to pay the illegal gratification, he reported the matter to the Vigilance Bureau. A trap was accordingly laid and both the petitioners were caught red-handed. While an amount of Rs.70,000/- of tainted currency notes was recovered from Piyush Anand, an amount of Rs.10,000/- was recovered from ASI Gurjinder Singh.
3. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that there is no cogent and convincing evidence to show that they had ever raised any

demand. It has further been submitted that since the petitioners in any case have been behind bars for a substantial period of about 5 months and that since the trial is proceeding at snail's pace, the petitioners deserve the concession of regular bail.

4. On the other hand, learned State counsel has submitted that since the petitioners were caught red handed while accepting bribe in the shape of tainted currency notes, whose serial numbers have been previously noted down, their complicity is clearly evident. It has further been submitted that both the petitioners are habitual offenders having been involved in several other cases and as such do not deserve to be released on bail. It has however, been informed that while charges have been framed but none out of the cited 18 PWs has been examined till date.
5. This Court has considered rival submissions.
6. While it is correct that there are serious allegations against both the accused in respect of which the investigating agency claims to have collected evidence, but this Court cannot overlook the fact that the petitioners have been behind bars for a substantial period of about 5 months and the trial has not even commenced till date although as many as 18 PWs have been cited. Both the petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is however, direction that the aforesaid order shall be subject to the condition that the petitioners shall furnish voice sample, as and when

directed, and not threaten the complainant, in any manner. In case, it is found that the petitioners do not cooperate for furnishing voice samples or is found to be intimidating the witnesses, it shall be open to the prosecution to move an application for cancellation of bail.

8.
- A photocopy of this order be placed on the file of connected case.

09.05.2023
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(GURVINDER SINGH GILL)
JUDGE

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