

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

CRM-M-4007-2023 (O&M)
Date of Decision:- 13.03.2023

Rupinderpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S.Deol, Senior Advocate with
Mr. Vishal Lamba, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Baldev Raj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.28, dated 12.11.2022, Police Station Vigilance Bureau, Ferozepur, District Ferozepur, under Section 7 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act 2018.
2. The FIR was lodged at the instance of Gagandeep Singh wherein he alleged that co-villager Major Singh was involved in a case pertaining to distilling of illicit liquor and FIR No.152, dated 20.10.2022, Police Station Kulgari, under Section 61/1/14 of Excise Act, came to be lodged. The complainant alleged that after Major Singh was released on bail, he disclosed to the complainant that the petitioner who was working as SHO at Police Station Kulgari had demanded an amount of Rs.20,000/- to help him in the matter

pertaining to FIR registered under Excise Act and that he also had a recording in respect of the audio conversation wherein the petitioner has made a demand of Rs.50,000/- which was later on settled at Rs.20,000/-.

3. Learned counsel for the petitioner submits that he has falsely been implicated on the basis of audio conversation which can hardly be said to be admissible in evidence particularly at this stage. It has further been submitted that the recovery of Rs.17,500/- effected from the petitioner, cannot be related to the alleged demand inasmuch as such amount is not a huge amount and a police officer can be expected to be carrying such amount for his personal use. It has been submitted that the said currency notes recovered cannot be said to be the illegal gratification. It has further been submitted that since the investigation has already been completed and the petitioner has been behind bars for about 4 months, his further detention will not serve any useful purpose.
4. Opposing the petition, learned State counsel has submitted that since there is concrete evidence in the shape of the audio conversation, the complicity of the petitioner is clearly evident. It has further been submitted that the amount of Rs.17,500/- recovered from the petitioner is apparently a part of illegal gratification and that the allegations as such stand duly established. It has been informed that the petitioner as on date has been behind bars since the last about 4 months and that none out of the cited 24 PWs has been examined till date.

5. This Court has considered the rival submissions.
6. It is no doubt correct that specific allegations have been levelled in the FIR. However, the authenticity of the audio conversation is yet to be established. In any case the petitioner has been behind bars for a substantial period of 4 months. Conclusion of trial is likely to consume time inasmuch no PW out of the cited 24 PWs has been examined till date. In these circumstances, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. The aforesaid order shall however, be subject to the condition that the petitioner shall furnish voice samples, as and when directed, and not threaten the witnesses, in any manner. In case, it is found that the petitioner does not cooperate for furnishing voice sample or is found to be intimidating the witnesses, it shall be open to the prosecution to move an application for cancellation of bail.

13.03.2023

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**(GURVINDER SINGH GILL)
JUDGE**

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