

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

CRM-M-4236-2023 (O&M)
Date of Decision:-24.4.2023

Manpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by SI Surinderpal Singh.

FIR No.	Dated	Police Station	Section/s
17	5.11.2020	Vigilance Bureau Range Ferozepur, District Ferozepur	7 of Prevention of Corruption Act (Amended by the Prevention of Corruption Act, 2018) and Sections 379-B, 342, 384, 419, 506, 120-B of IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of Gagandeep Singh, wherein it has been submitted that he is a driver of mini bus. On 03.11.2020, at about 5:30 PM, when he along with his friend Mantej Singh @ Raman reached at Moga Bus Stand from Ludhiana, three persons in civil dress who were calling each other by the names of C. Sarabjit Singh, C. Iqbal Singh and Jaspreet

Singh Ghallan Wala, met them and asked if Bullet motorcycle bearing No.7161 belongs to him. They took them to a room situated in a street behind the bus stand and gave beating to them and took Rs.28,500/-, two wallets of brown colour containing their Aadhar Cards, PAN Cards, Driving Licences, ID Cards of bus and his cheque book issued by HDFC bank bearing account No.5010056803682 consisting of 8 cheques. They also recovered one syringe from the pocket of his friend Mantej Singh and stated that you sell drugs and stated that they are posted in CIA Staff and they would take them to CIA Staff for registration of the FIR. The complainant and his friend under fear requested them not to do so and stated that they were not in the habit of selling the drugs and were innocent. On this, C. Sarajbit Singh demanded an amount of Rs.1 lakh as illegal gratification if they wanted to save themselves from the FIR. On their repeated requests, the bargain was struck at Rs.50,000/-. The complainant requested them to grant some time to arrange the money. C. Sarabjit Singh kept the articles recovered from them along with the Bullet motorcycle and asked them to take the said articles along with the motorcycle on payment of amount of illegal gratification. C. Iqbal Singh took away his Bullet motorcycle bearing registration No.PB-69-C-7161 and told him to call telephonically on arrangement of money. After arrangement of Rs.15,000/-, at about 10:40 AM, on 05.11.2020, he called C. Sarabjit Singh from his mobile No.9915331800 on mobile No.9501618023 and disclosed them that he could arrange only for Rs.15,000/- and requested them to take the said amount and to resolve the matter and upon which he called complainant along with the money at bus stand Moga. It is further alleged that the complainant did not want to pay the said amount of illegal gratification and therefore, he took the amount along with Gurpreet Singh to

the office of Vigilance Bureau and produced the amount of illegal gratification along with the recording with regard to demand of illegal gratification by C. Sarabjit Singh, C. Iqbal Singh and Jaspreet Singh Ghalkalan Wale. After following the due procedure to be adopted in a trap case, a trap was laid by keeping Dr. Satwinder Singh, Agriculture Development Officer Block, Moga-2 as shadow witness and when they reached the spot, C. Sarabjit Singh and Jaspreet Singh took the complainant on their scooty to a room in a hotel and have him head injury, snatched the amount of Rs.15,000/- along with his mobile phone and also threatened to keep the motorcycle and its RC on mortgage and told him to pay them the remaining amount of illegal gratification out of Rs.50,000/- otherwise they would lodge false FIR against him and his friend Mantej Singh on the basis of the blank papers signed by them.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused Sarabjit Singh, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that as a matter of fact when trap was laid, three persons namely Constable Sarabjit Singh, Jaspreet Singh and Manpreet Singh had run away from the spot after accepting the tainted currency notes of Rs.15,000/- from the complainant. Learned State counsel has further informed that there is recording of telephonic conversation between the complainant Gagandeep Singh, petitioner - Manpreet Singh and Sarabjit Singh, which clearly shows the involvement of the petitioner and, as such, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been

behind bars since the last about 5 months and 18 days and that although charges have been framed but none out of the cited 36 PWs has been examined till date. It has also been informed that thee petitioner otherwise is not involved in any other case.

5. This Court has considered the rival submissions addressed before this Court.
6. Though the prosecution does claim to have evidence against the petitioner to establish his complicity but at the same time this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of about 5 months and 18 days. Conclusion of trial is likely to consume time inasmuch none out of the cited 36 PWs has been examined so far. The petitioner is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose. The instant 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.

24.4.2023

pankaj

(Gurvinder Singh Gill)
Judge

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