

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

CRM-M-6158-2023 (O&M)  
Date of Decision:-10.2.2023

Bisman Singh Sahi ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Preetinder Singh Ahluwalia, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.24, dated 14.11.2022 at Police Station Vigilance Bureau FS-1, Mohali, under Sections 7, 7-A of Prevention of Corruption Act, 1988 (as amended in the year 2018) and Section 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Harjinder Kumar, wherein it is alleged that his brother namely Suresh Kumar was booked in FIR No.131, dated 27.8.2022 registered under Narcotic Drugs and Psychotropic Substances Act on the allegation that he was found in possession of 101 kilograms of '*poppy husk*'. It is the case of complainant that when he alongwith other members of his family went to the police station, they met Resham Singh and Surjit Singh, who told the complainant that the SHO was demanding an amount of

Rs.10 lakhs so as to ensure that other members of the family of Suresh Kumar are not involved in the case. It is further the case of prosecution that subsequently an application was moved for release of truck (canter) on 'superdari', which was duly accepted by learned Judge Special Court, Jalandhar vide order dated 10.11.2022 (Annexure P-4). However, since the said truck was not released immediately by the police, the complainant approached the police and it is alleged that Resham Singh and Surjit Singh demanded illegal gratification of Rs.1 lakh for the purpose of release of truck. Since the complainant did not wish to pay the said bribe, he contacted the Vigilance Bureau, Punjab and a trap was laid and Resham Singh and Surjit Singh were caught red handed while accepting an amount of Rs.1 lakh.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that neither he had raised any demand in the first instance when complainant's brother was arrested and nor on the second occasion when the truck of accused was released on 'superdari' and as a matter of fact the petitioner was not even posted in that police station at the time of release of the truck on 'superdari' inasmuch as he already stood transferred from Police Station Sadar Nakodar on 9.9.2022 to Police Station City Nakodar. It has further been submitted that at the time when trap was laid, the petitioner admittedly was not even present at Nakodar and was in Amritsar.
4. Opposing the petition, learned State counsel has submitted that the petitioner was hands in gloves with the co-accused, who are acting as his conduit and it was on his behalf that the complainant and others had initially paid an amount of Rs.10 lakhs to the petitioner. It has further been submitted that

even though the petitioner had subsequently been posted out of the Police Station i.e. Police Station Sadar Nakodar but his complicity in the entire occurrence is clearly evident and that all the accused were having a share in the amount extracted from the accused as illegal gratification. Learned State counsel has, however, not disputed the fact that as on the day when raid was conducted, the petitioner was not present in Jalandhar and that as on date there is no evidence that he had any role to play in the alleged demand of Rs.1 lakh pertaining to release of the truck on '*superdari*'. It has been informed that the petitioner has been behind bars since the last about 3 months and challan already stands presented. It has also been informed that the petitioner is not involved in any other case. Learned State counsel has further informed that as on date no PW out of the cited 37 PWs has been examined.

5. This Court has considered the rival submissions addressed before this Court.
6. Though the petitioner is alleged to have played some role at the time when complainant's brother was apprehended initially in respect a case registered for offence punishable under NDPS Act but neither he was ever caught red handed nor is there any specific allegation that he himself had demanded any bribe. It is also not in dispute that he was not even in picture when the bribe of Rs.1 lakh is alleged to have been demanded and paid to co-accused for release of the truck on '*superdari*'. In any case, the petitioner has been behind bars for a substantial period of about 3 months. Challan has already been presented in the present case. Conclusion of trial is likely to consume time as not even a single PW out of the cited 37 PWs has been examined so far and even charges are yet to be framed. 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

**10.2.2023**

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**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No