

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

I) CRM-M-7268-2022 (O&M)

Gurpartap Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-14493-2021 (O&M)

Dhanna Singh ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-51530-2022 (O&M)

Amar Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-23.1.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Sharma, Advocate,
for the petitioner in CRM-M-7268-2022.

Mr. Tejinder Pal Singh, Advocate,
for the petitioner in CRM-M-14493-2021.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate,
Mr. Satveer Singh Badal, Advocate,
for the petitioner in CRM-M-51530-2022.

Mr. Manish Bansal, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

CRM-43938-2022 in CRM-M-7268-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 23.1.2023 and is taken on board today.

CRM-3398-2023 in CRM-M-7268-2022

In view of the reasons mentioned in the application, the same is allowed and Sections 17-A and 19-B of Prevention of Corruption Act, 2018 are ordered to be added in the head note as well as prayer clause of the petition.

Necessary amendments in the memo of parties be carried out accordingly by hand under signatures of Reader of this Court. Reader of this Court is directed to make a note in this regard with red ink at the bottom of memo of parties.

Office is directed to incorporate the correct particulars in the record i.e. in the relevant registers, CIS software etc.

**CRM-M-7268-2022 (O&M) CRM-M-14493-2021 (O&M) &
CRM-M-51530-2022 (O&M) (Main Cases)**

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Gurpartap Singh, Dhanna Singh and Amar Singh seeking grant of regular bail in respect of a case registered vide FIR No.5, dated 7.1.2021 at Police Station City-I Sangrur, District Sangrur, under Section 13(2) of Prevention of Corruption Act, 1988 amended Act 2018, Section 52-A of Prisons Act, 1894 and Section 51/56 of Disaster Management Act, 2005.

2. The allegations, in nutshell, are that the petitioner Amar Singh (in CRM-M-51530-2022), who was posted as Deputy Superintendent of Police (DSP), District Jail, Sangrur in connivance with petitioner Gurpartap Singh (in CRM-M-7268-2022), who was posted in Quick Reaction Team (QRT) and petitioner Dhana Singh (in CRM-M-14493-2021), Jail Warden had extended undue benefits to prisoners namely Kamal Kumar @ Rocky and Arun Kumar @ Aroo. It is alleged that the aforesaid prisoners were extended the facility of using mobile phone and were kept for four months in the Special Cell created on account of COVID-19 and from where petitioner Kamal Kumar @ Rocky was also taken to civil hospital as against the rules. It is alleged that the aforesaid favours were extended in lieu of illegal gratification and that Gurpartap Singh had passed on the said illegal gratification to Amar Singh. Dhanna Singh is also stated to have been a conduit for passing on said money.
3. Reply by way of affidavit of Shri Ajaypal Singh PPS, Deputy Superintendent of Police, Sub Division, Sangrur has been filed by learned State counsel in CRM-M-51530-2022, which is taken on record.
4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and that there is no credible evidence to connect them with the alleged occurrence. It has been submitted that initially petitioner Dhana Singh had been arrested in the present case on 20.1.2021 and upon completion of investigation challan was presented and after framing of charges against him, 3 PWs had also been examined but subsequently on account of presentation of supplementary challan against petitioner Amar Singh, trial has to start afresh.

5. Opposing the petitions, learned State counsel has submitted that since all the 3 petitioners belong to a disciplined force, the conduct on their part in accepting bribe and extending undue benefits to the prisoners does not call for any leniency. It has also been informed that while petitioners Dhanna Singh and Amar Singh also stand involved in 2 other cases, petitioner Gurpartap Singh stands involved in one more case. Learned State counsel has further informed that while petitioner Dhanna Singh has been behind bars since the last about 1 year and 8 months, petitioner Gurpartap Singh has been behind bars since the last about 1 year and petitioner Amar Singh has been behind bars since the last about 4 months and 9 days. Learned State counsel has informed that charges are yet to be framed afresh and that 25 PWs have been cited.
6. This Court has considered rival submissions.
7. Without commenting anything as regards the merits of the case, but having regard to the custody of the petitioners 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 25 PWs have been cited, further detention of the petitioners will not serve any useful purpose. All the three petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of each connected case.

23.1.2023

pankaj

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No