

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

CRM-M-14305-2023 (O&M)
Date of Decision:- 24.03.2023

Gurdarshan Singh	... Petitioner
Versus	
State of Punjab	... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sukhjot Singh, Advocates, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.
assisted by Inspector Surinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.26, dated 19.12.2022, Police Station Vigilance Bureau Phase-1, Mohali, District Mohali, under Section 7 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act 2018.
2. The allegations, in nutshell, are that the petitioner who was posted as Data Entry Operator (on contractual basis) in Punjab State Forest Corporation had demanded an amount of Rs.6 lakhs from the complainant's firm Punjab Timber so as to secure a permission for cutting trees from the land where highway was to come up. It is

further the case of prosecution that pursuant to a complaint having been made by the complainant to the Vigilance Bureau, a trap was laid and the petitioner was caught red-handed while accepting illegal gratification of Rs.30,000/-.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that in any case since investigation already stands concluded, further detention of the petitioner is not required for any purpose. It has also been submitted that the petitioner being an employee on contractual basis cannot be termed as a public servant so as to attract the provisions of Prevention of Corruption Act.
4. Opposing the petition, learned State counsel has submitted that even if the petitioner is working on contractual basis, still he would be termed as a public servant. The State counsel has however, informed that the petitioner as on date has been behind bars for the last more than 3 months and that challan already stands presented. It has been informed that while charges have been framed, but none out of the cited 12 PWs has been examined so far. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered the rival submissions.
6. Though, the involvement of the petitioner seems to be *prima facie* evident having been caught in a trap while accepting bribe, but this Court cannot lose sight of the fact that the petitioner has been behind bars for the last more than 3 months. Conclusion of trial is likely to consume time since, none out of the cited 12 PWs has been examined

so far. 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. It is however, clarified that none of the observations recorded above shall be taken to be an expression as regards merits of the case.

24.03.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

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