

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

CRM-M-21752-2023 (O&M)
Date of Decision:-8.5.2023

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

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by SI Machhinder Singh.

FIR No.	Dated	Police Station	Section/s
11	5.4.2023	Vigilance Bureau, Range Ferozepur, District Ferozepur	7 of Prevention of Corruption Act as amended by P.C. (Amendment Act), 2018

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of the abovementioned FIR.
2. The case of the prosecution, in nutshell, is that a grant of Rs.10 lakhs was released by the Government in the year 2020 for carrying out development work in Village Rana, Block Fazilka and that the same was utilized by the Gram Panchayat. It is alleged that Gurjant Singh (petitioner) was the Panchayat Secretary and he had demanded an amount of Rs.50,000/- as illegal gratification from Sarpanch Rajesh Kumar for the purpose of issuing utilization certificate. The complainant Rajesh Kumar had to give an amount

of Rs.20,000/- as bribe under compulsion. However, the complainant had recorded conversation, which had taken place between the complainant and the petitioner.

3. Reply by way of affidavit of Shri Raj Kumar, PPS, Deputy Superintendent of Police, Vigilance Bureau Range Ferozepur has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that apart from the alleged telephonic conversation there is no other incriminating evidence against the petitioner. It has been submitted that as a matter of fact even the alleged telephonic conversation does not clearly disclose raising of any demand on part of the petitioner for the purpose of issuance of utilization certificate. It has also contended that even the device with the help of which the complainant had recorded the conversation has not been handed over by the complainant to the Investigating Officer despite the fact a period of more than 2 years has elapsed. Learned counsel submits that the falsity of the case would be evident on account of the fact that the FIR came to be lodged as belatedly as after a period of more than 2 years of occurrence.
5. Opposing the petition, learned State counsel has submitted that since there is telephonic conversation between the petitioner and the complainant, which does indicate that there had been some conversation with regard to some payment having been made and some balance amount to be paid, the complicity of the petitioner is clearly evident.
6. Upon a query made by this Court, learned State counsel, upon instructions from Sub Inspector Machhinder Singh, has informed that the device with the

help of which recording had been made, has not been taken into possession by the police so far.

7. The present case is based totally on telephonic conversation. A perusal of the telephonic conversation would show that the same is not very clear as regards the alleged demand of illegal gratification for the purpose of issuance of utilization certificate. Still further the admissibility of such telephonic conversation in the absence of device with the help of which the recording had been made would also be debatable. The FIR has been lodged belatedly after a delay of about 2 years of the occurrence. In this circumstances, this Court finds that it is a fit case for grant of anticipatory bail.
8. The instant petition, as such, is allowed and it is ordered that the petitioner, in the event of his arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. 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. It is further directed that the petitioner shall furnish his voice samples as and when directed.

8.5.2023

pankaj

(Gurvinder Singh Gill)
Judge

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