

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

CRM-M-22122-2023 (O&M)
Date of Decision:-03.05.2023

Amrit Pal Devi and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepaki Sabherwal, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of anticipatory bail/blanket bail in respect of a case registered vide FIR No. 13, dated 10.4.2023, Police Station Vigilance Bureau, Phase-1, Punjab at Mohali District SAS Nagar, under Sections 13(1) (b) read with Section 13(2) of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018.
2. The FIR in question was lodged on the allegation that upon inquiry it was found that Chamkaur Lal Patwari had amassed wealth to the tune of Rs.2,98,42,836/- beyond his known sources of income during the check period 01.04.2017 to 31.03.2023. It is further alleged in the FIR that the role of the wife Smt. Amrit Pal Devi and son Mr. Rupinder Sharma of the

petitioner as well as of other persons who had transferred huge amounts in their bank accounts shall be investigated.

3. The petitioners moved an application seeking grant of anticipatory bail before the trial Court which was dismissed having been rendered “infructuous” vide order dated 24.4.2023 which reads as follows:

“Report not received. However, DSP Rakesh Kumar has come present and suffered a statement that applicants namely Amrit Pal Devi and Rupinder Sharma have not been nominated as accused till date in FIR No.13/2023, P.S.Vigilance Bureau.

In view of these circumstances, no ground is made out for grant of anticipatory bail. Accordingly, present bail application is hereby dismissed having become infructuous. File be consigned to the Record Room.”

4. Notice of motion.
5. At this stage, Mr. Luvinder Sofat, DAG, Punjab has put in appearance on behalf of respondent-State and accepts notice.
6. This Court has heard the learned counsel for the petitioner as well as the State counsel. A perusal of the FIR clearly indicates that both the petitioners are named therein. A perusal of order dated 24.4.2023 (Annexure P-6) passed by learned Additional Sessions Judge, while dismissing the petition under Section 438 Cr.P.C., filed on behalf of the petitioners shows that the Investigating Officer had made a statement therein that the said petitioners had not been nominated as accused till date in the FIR. Noticing the said statement the learned Additional Sessions Judge, SAS Nagar dismissed the petition on the ground that the same had been rendered infructuous.

7. This Court however, finds that once the petitioners are named in the FIR and their roles are to be investigated qua the huge amounts deposited in their accounts, it can safely be said that threat looms large on their heads as regards their arrest. Under these circumstances it is directed that in case the petitioners are sought to be arrested, then a prior notice of 7 days be afforded to them before effecting their arrest. It is further clarified that the petitioners shall associate with the investigation and inquiry proceedings as may be required by the Investigating Officer.
7. The petition stands disposed of accordingly.

03.05.2023

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(GURVINDER SINGH GILL)
JUDGE

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