

CRM-M-28917-2023

2023:PHHC:081718

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision : 07.06.2023

RAJESH CHOPRA

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. K.S. Nalwa, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No.06, dated 06.02.2023, under Sections 13 (1)(b) read with Section 13 (2) of Prevention of Corruption Act, 1988 (as amended by P.C. Act, 2018), registered at Police Station Vigilance Bureau, F.S.-I, Phase-I, Mohali, District SAS Nagar (Mohali) (Sections 420, 465, 467, 468, 471, 120-B of IPC and Section 12 of P.C.Act added later on during investigation).

2. Learned senior counsel for the petitioner has contended that the petitioner is an attesting witnesses to the alleged purchase, whereas the main accused are Sadhu Singh Dharamsot and Raj Kumar Nagpal and his son Harpreet Singh are already either on regular bail or anticipatory bail. In that eventuality, there is no occasion for the petitioner to be kept behind the bars.

3. Learned State counsel, on the other hand, has produced the custody certificate of the petitioner, which is taken on record, copy whereof furnished to the learned senior counsel for the petitioner. He contends that

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the petitioner has played an active role in the commission of offence and therefore, does not deserve the concession of bail.

4. In the considered option of this Court, bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. Since the challan in the instant case stands filed after completion of the investigation on 05.05.2023 and no custodial interrogation is required, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, where he has already faced incarceration of 2 months and 5 days as per the custody certificate, as the trial is not likely to conclude in near future as charges in this case are yet to be framed and 35 prosecution witnesses are to be examined as on date and further investigation is also pending as per the report of the State Investigating Agency itself, the petitioner is directed to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. The present petition stands allowed in the afore-said terms.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

07.06.2023

Harish

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No