

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-44652-2023 (O&M)

Reserved on: 20.11.2023

Pronounced on: 24.11.2023

Bahadur Singh & others

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Abhay S. Mann, Advocate
for the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	02.05.2023	Vigilance Bureau, Phase-I, Mohali.	409, 420, 465, 466, 468, 471, 120-B IPC and Sections 13(1)(a) read with Section 13(2) of the Prevention of Corruption Act (for short, “the PC Act”)

1. Apprehending arrest for getting compensation illegally, claiming the barren land to have guava trees, which in fact was not, the petitioners had come up before this Court under Section 438 CrPC seeking anticipatory bail on 04.09.2023.
2. In paragraph 15 of the bail petition, the accused declares that they have no criminal antecedents.
3. The State’s counsel opposed the bail.
4. Vide order dated 06.09.2023, this Court had granted anticipatory bail to the petitioners, subject to certain conditions and depositing 50% of the amount with the Illaqa Magistrate/trial Court, which is still continuing. Thereafter, vide order dated 18.10.2023, the petitioners were directed to declare their assets along with their respective wives.
5. Counsel for the petitioners submits that the petitioners have voluntarily complied with the said orders.

6. Considering the fact that since the petitioners have returned 50% of the compensation amount and have also declared their assets, based on which, State can always avail legal remedies for attachment of assets as well as recovery of the amount, to which the State is entitled, it is not a case for pre-trial incarceration of the petitioners. Furthermore, similarly placed co-accused have already been granted bail when they had voluntarily returned the compensation amount. Although the petitioners have not returned the entire compensation amount, but this cannot be a condition precedent to grant bail. It shall be permissible for the State to take all necessary steps for recovery of the outstanding amount.

7. Given above, the petition is allowed and interim order dated 06.09.2023 is made absolute. All pending applications, if any, stand disposed.

8. However, it is clarified that observations made hereinabove are neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

(ANOOP CHITKARA)
JUDGE

November 24, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes