

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-52971-2023 (O&M)

Date of order: 22.11.2023

Narinder Singh Dhaliwal

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. R.S. Bains, Sr. Advocate with
Ms. R.K. Grewal, Advocate
for the petitioner(s).

Mr. Ravinder Singh, AAG, Punjab.

Mr. Yaseen Sethi, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	21.9.2023	Vigilance Bureau Range, Ferozepur	7 of the Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (Amendment) Act, 2018.

1. Apprehending arrest in the FIR captioned above, the petitioner, who was posted as Sub Divisional Magistrate, had come up before this Court seeking anticipatory bail under Section 438 CrPC.
2. As per paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The allegations against the petitioner are that he had demanded illegal gratification for a sum of Rs.2 lacs from the complainant, out of which he received Rs.50,000/- on 20.3.2019 for giving verdict in his favour while adjudicating a proceeding under Sections 145/147 CrPC presented before him.

4. Vide order dated 18.10.2023, this Court had granted interim bail to the petitioner, primarily because the petitioner’s counsel had stated that they would have no objection in case this Court imposes any stringent conditions including declaration of assets. The said order is continuing till date.
5. Counsel for the petitioner submits that he has voluntarily complied with all the conditions mentioned in the order dated 18.10.2023.
6. On a clarification/reply filed by the State, it remains undisputed that in the previous two inquiries conducted by the then DySPs, the petitioner was absolved of the charge levelled against him and at one point of time, even a cancellation report was being considered to be filed and there was proposal for initiating proceedings against the complainant also. However, later on, on a further complaint made by the complainant, fresh investigation was carried out by the present DySP/IO, based on which the State proposes to proceed against the petitioner in the present FIR. Thus, in the factual matrix of the case, it is quite evident that two views are possible in the present matter. It is well settled that if evidence adduced in the case reflects two views, one pointing to the guilt of the accused and the other towards his innocence, the view which is favorable to the accused should be adopted. Reference may be made to judgments of Hon’ble the Apex Court in the cases of Aslam Babalal Desai Vs. State of Maharashtra AIR 1993 SC 1, Kali Ram vs State of Himachal Pradesh 1973 AIR 2773 and Sharda Birdi Chand Sharda Vs. State of Maharashtra AIR 1984 SC 1622.
7. Given above, the petition is allowed and interim order dated 18.10.2023 is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

November 22, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No