

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

CRM-M-58190-2022 (O&M)

Date of Decision:- 17.1.2023

Gurdev Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harpal Singh Saggu, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Sukhwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.30, dated 26.10.2022, Police Station Vigilance Bureau, Patiala, District Patiala, under Sections 7, 7(A) of the prevention of Corruption Act, 1988 as amended by Prevention of Corruption (amendment) Act, 2018 and Section 120-B IPC.
2. At the time of issuance of interim bail the following order was passed on 14.12.2022:

“This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 30 dated 26.10.2022, under Sections 7 and 7(A) of the Prevention of Corruption Act, 1988 and Section 120-B IPC, registered at Police Station Vigilance Bureau, Patiala.

The relevant facts are that complainant-Rajinder Singh narrated that Harbans Singh Patwari demanded illegal gratification for sanctioning of mutation. The deal was struck for Rs.18,000/- and Rs.6,000/- was paid on the spot. The role attributed to the petitioner is that he is a cycle mechanic and Rs.7,000/- was paid through him.

Learned counsel for the petitioner submits that it is a case of false implication, the petitioner is eighty two years old making his both hands meet by repairing cycles on the road side and no recovery is to be made. He further submits that even as per the allegations the money allegedly paid was for the Patwari. The contention is that the petitioner is not involved in any other case.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail, however is not disputing the fact that the allegation against the petitioner is that through him the money was paid to the Patwari and the petitioner is not involved in any other case.

Considering the nature of allegations, the fact that no recovery is to be made and the petitioner is not involved in any other case, petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 17.1.2023.”

3. Learned State counsel has submitted that the petitioner has joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not wanted in any other case.
4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 14.12.2022 are hereby made absolute subject to the condition that the petitioner shall join 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.

17.01.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No