

CRM-M-60086-2023
Decided on: 18.12.2023

Devinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
39	07.11.2023	Vigilance Bureau, District Patiala, Punjab	7 of Prevention of Corruption Act

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 05.12.2023, the petitioner was granted interim protection, which is continuing till date.
3. On 13.12.2023, petitioner's counsel submits that petitioner is an honest person and he would declare his assets in the format prescribed by this court in Prevention of Corruption Act matter and they would not claim any incrimination or violation of their rights under Articles 20/21 of constitution of India, Indian Evidence act or any other law in force. Today, in compliance to the order dated 13.12.2023, affidavit of the petitioner has been handed over in the Court and the same is taken on record.
4. The state's counsel opposes the bail and states that considering the allegations, the petitioner's custodial interrogation is necessary.
5. The prosecution's case is that some electric wires were passing in front of the house of the complainant and he moved an application for removing the same. Pursuant thereto, the officials of the department along with Devinder Singh (petitioner) and co accused-Kulwant Singh, visited the spot and told the complainant that load on wires is more, whereas the meter is of less watt and if he does not get it replaced, he will be

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charged with a fine of Rs.50,000/60,000/-. Later on, petitioner called the complainant and asked him to meet Mr. Kulwant Singh if he wanted to get his work done through him and when the complainant met said Kulwant Singh, he demanded a bribe of Rs. 8,000/- to get the work done without bringing it to the knowledge of department. On the information of complainant, a trap was laid and police nabbed Kulwant Singh red handed with currency notes (bribe money).

6. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses or that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

7. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioner shall not be called before 8 AM, let off before 6 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

8. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior. **It is clarified that in case the petitioner does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had afforded a final opportunity to the petitioner to reform and live a normal life but did not improve.**

9. Given above, interim order dated 05.12.2023 is made absolute and petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

18.12.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.