IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223/2

CRM-M-28482-2024
Date of decision: October 1st, 2024

Balbir Singh @ Billu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.S. Bains, Senior Advocate
with Mr. InderpalSingh Deol, Advocate
for the petitioner.

Mr. Jasdeep Singh Gill, Additional Advocate General,
Punjab.

Mr. Gaurav Garg Dhuriwala
and Mr. Sachit Jaiswal, Advocates
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.37 dated 20.03.2024 under Sections 341, 186, 384 and 120-B of the IPC (Sections 7, 7A and 12 of the Prevention of Corruption Act, 1988, added later on) registered at Police Station Phase-1, S.A.S. Nagar.

2. Learned senior counsel for the petitioner submits that the petitioner, who belongs to the Scheduled Caste category, has lodged complaints against certain persons who have secured employment in the State Government by submitting forged and fabricated Scheduled Caste certificates. Among those persons are Randhir Singh, employed as Reader in the office of AIG Vigilance; Ranjit Singh, serving as Assistant Sub-Inspector (ASI); and Daljit Singh, employed as DEO

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Primary, Patiala. These persons, being highly influential, began exerting undue pressure on the petitioner to withdraw his complaints.

3. As a result of this harassment, the petitioner was compelled to file a writ petition before this Hon'ble Court, bearing CWP No.23975 of 2023, seeking the transfer of these persons from their current positions, as they were attempting to implicate the petitioner in false criminal cases. The learned senior counsel further submits that Ranjit Singh, posted as Reader in the office of AIG Vigilance, Vigilance Bureau, S.A.S. Nagar (Mohali), had directly abused his power and authority to falsely implicate the petitioner in multiple criminal cases. The motive behind this false implication, as submitted by the learned senior counsel, was to coerce the petitioner into withdrawing the complaints he had lodged against these persons.

4. The learned senior counsel contends that a bare reading of the FIR clearly shows that no offence is made out against the petitioner, as the only allegation is that he received ₹30,000 to organize a protest at the behest of the main accused, Malvinder Singh Sidhu. This act, by itself, does not constitute an offence. Furthermore, the learned senior counsel contends that the main accused, Malvinder Singh Sidhu, has already been granted regular bail by a coordinate Bench of this Court vide order dated 06.05.2024 in CRM-M-19900-2024.

5. Additionally, the learned senior counsel has pointed out that the petitioner had been granted interim bail by the coordinate Bench and had fully complied with the conditions imposed by the Court,

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without any misuse of the liberty granted to him. Therefore, the learned senior counsel prays that the interim bail granted to the petitioner be made absolute.

6. On the other hand, learned State counsel, assisted by the learned counsel for the complainant, submits that the petitioner, along with the main accused-Malvinder Singh Sidhu (formerly posted as AIG Vigilance), was involved in a racket that blackmailed and extorted people by threatening to have their SC/ST certificates cancelled. The learned counsel for the State further submits that multiple FIRs have been registered against the accused persons in this regard. During the investigation of a case registered under the Prevention of Corruption Act, an audio recording was recovered from the main accused, Malvinder Singh Sidhu, in which he was heard admitting that he had paid the petitioner ₹30,000 to stage a protest before the Social Welfare Officer. This protest was allegedly aimed at obtaining a favourable order in a matter involving a dispute between Malvinder Singh Sidhu and his son-in-law. The learned counsel for the State submits that the protest was organized solely to put pressure on the Social Welfare Department officials and obstruct the administration of justice.

7. When questioned by the Court regarding the status of the trial, learned senior counsel submits that the investigation in the present case is complete, the challan has been presented, and charges are yet to be framed. Upon further questioning, learned senior counsel does not

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dispute that the main accused, Malvinder Singh Sidhu, has already been released on regular bail by a coordinate Bench of this Court.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. In the circumstances of the case, particularly the fact that the investigation is complete and co-accused Malvinder Singh Sidhu has already been granted bail, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 1st, 2024 **(MANJARI NEHRU KAUL)**
Puneet **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No

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