

CRM-M-34548-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34548-2024
Reserved on: 10.09.2024
Pronounced on: 27.09.2024

Jasbir Singh ...Petitioner

Versus

State of UT Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh with
Mr. Navjit Singh, Advocate and
Mr. Shaurya Nagpal, Advocate
for the respondent-UT.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
86	01.05.2024	Sector 36, Chandigarh	7 of Prevention of Corruption Act r/w 120 B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per custody certificate dated 10.09.2024, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the present FIR has been registered on the complaint of Charanjit Singh Virk, Deputy SP, Chandigarh wherein it was stated that a secret information was received that on 30.04.2024, a prisoner namely Davinder Gill, who is involved in many cases of fraud and cheating, was to be produced before the court of JMIC, Chandigarh by ASI Jasbir Singh. (Present Petitioner) and C. Sandeep Kumar in government vehicle on escort duty as per duty roaster. However, present Petitioner ASI Jabir Singh neither took government vehicle nor accompanied C. Sandeep with him, rather he took the prisoner in his private vehicle and after producing him in the court, freed him to enjoy in Pyramid restaurant, Mohali and in the evening, he lodged him back in Burail Jail. It has come on record that

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ASI Jabir Singh gets assigned his duty with prisoner Davinder Singh Gill regularly and avails rewards from him for providing undue advantage/favour to him. During investigation, accused Jasbir Singh and Davinder Gill were arrested. Their call details and location was analyzed and as per their locations, prisoner Davinder Gill was found sitting in Pyramid restaurant, Mohali while present Petitioner Jasbir Singh was present in Sector 17, Chandigarh at that time. On this complaint the present FIR No.86 dated 01.05.2024 under Section 7 of the Prevention of Corruption Act read with 120 B of the IPC at P.S. Sector 36, Chandigarh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

Para 7, 9, 10, 11

“ROLE OF PETITIONER :-

7. That the present Petitioner is actively involved in the commission of the aforesaid crime. During the investigation the call details and locations of the present Petitioner has been analyzed and it was revealed that on 30.04.2024, after court hearings in morning, present Petitioner ASI Jasbir Singh let accused Davinder Singh Gill free and went himself at King Tailor, shop no.05, bridge market sector 17, Chandigarh for collecting his uniform. As per tower locations, prisoner Davinder Singh Gill was found sitting in Pyramid restaurant, Mohali and at the same time at about 2.00 PM, present Petitioner ASI Jasbir Singh was present in sector 17, Chandigarh.

x x x x

9. That the CDR, CAF and tower location of the mobile number of the present Petitioner examined and it was found that he was in sector 17 at around 2.00 pm while the accused Davinder Singh was in Pyramid Restaurant Mohali.

10. That the CCTV footage of the Pyramid restaurant was seized wherein it was found that at 01.20 p.m. accused Davinder Singh Gill entered the restaurant along with one person and at around 02.20 p.m left the said restaurant.

11. That the food invoice receipt no. 37054 of the Pyramid restaurant was

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seized wherein the time mentioned is 01.32 p.m. and the date is 30.04.2024. The above said date and time clearly matched with the CDR, CAF and tower location of the mobile number of the present Petitioner.”

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, as per paragraph 10 of the bail petition, the petitioner has been in custody since 01.05.2024. As per the custody certificate dated 10.09.2024, the petitioner’s total custody in this FIR is 04 months & 10 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the

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official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.