

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34995-2024
Reserved on: 05.08.2024
Pronounced on: 30.08.2024

Akshdeep @ Akshdeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
31	03.07.2024	Vigilance Bureau, District Amritsar Punjab	7-A of PC (Amendment) Act, 2018

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being extracted from status report dated 04.08.2024 filed by concerned DySP which reads as follows:-

“i) That the Complainant Jagjit Singh S/o Late Sh. Puran Singh, R/o H. No 281, Dhakki, Near Middle School, Dhaki, Tehsil and District Pathankot has recorded his statement to Nirmal Singh, DSP, Vigilance Bureau, Pathankot on 03.07.2024 that his mother expired on 02-12-2022, in whose name there was ½ share of land comprised in Khasra no 143(0-8) i.e. (0-4) marlas situated in village Dhaki, for getting the inheritance mutation recorded. He gave death certificate of his mother and other necessary documents to Halqa Patwari Akshdeep Singh, But the above said Patwari did not did not recorded mutation of inheritance in the name of the complainant and during his visits he continued to make false excuses to delay the matter.

ii) On dated 07-06-2024 when the complainant requested the present petitioner (Patwari Akshdeep) for mutation he

stated that there is an entry regarding stay in respect of Khasra no 143 recorded in the name of his mother as per the order passed by the Hon'ble Court of Sh. Rajinder Pal Singh Gill, PCS, Civil Judge, Junior Division, Pathankot in Case No CS/7949/2019 titled as Ranjana Thakur VS Jagjit Singh in respect of Khasra no 145-143 and therefore this mutation cannot be Sanctioned. At this the complainant informed the above said Patwari that in the above said case Stay is qua Khasra no 145 only, whereas there is no stay of Hon'ble Court over Khasra no 143 and as such you had wrong entry in the revenue record regarding the stay over Khasra no 143, H. Bast no 330, Village Dhaki, Pathankot. The complainant had thereafter moved a written application for getting this mutation corrected which was marked by Tehsildar to the present petitioner (Patwari Akshdeep Singh) on 07-06-2024 and when the complainant approached the present petitioner (Akshdeep Patwari) and the present petitioner had made demand from the complainant that for getting the entry regarding stay cancelled over Khasra No 143, the complainant need to give him bribe of Rs 5000/- but on the submission made by the complainant the present petitioner agreed for an amount of Rs 4000/-, but the complainant do not want to get his work done after paying bribe and therefore he appeared before the DSP Vigilance Bureau, Pathankot on 03-07-2024. Thereafter in this regard the trap was laid and the present petitioner Akshdeep @Akshdeep Singh Patwari had obtained a bribe of Rs. 4000/- from the Complainant on 03.07.2024 and the present petitioner Akshdeep @Akshdeep Singh Patwari was arrested red-handed in the said case by accepting a bribe of Rs. 4,000/- from the Complainant in the presence of Government and shadow witness namely Sarbjit Kumar, SDO Division Township, Division Shahpur Kandi Dam, Pathankot and Sh. Shubam Sharma, Sub-Divisional Officer Division Power House, Shahpur Kandi. By doing this act, offence under Sections 7 of P.C. Act 1988 as amended by PC (amendment) Act 2018 is found to be made out against the Petitioner Akshdeep @Akshdeep Singh Patwari."

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 opposes bail.

6. As per paragraph 7 of the status report, the petitioner has been in custody since 03.07.2024. Per the custody certificate dated 03.08.2024, the petitioner's total custody in this FIR is 01 month. 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 for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. 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.

8. 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.

9. 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)	

10. This order is subject to the petitioner's complying with the following terms. 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.

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

12. 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 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.

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

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.