



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-43103-2024
Date of decision: 21.11.2024

SUBHASH CHANDER AND ANOTHER

....Petitioners

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mandeep S. Bedi, Sr. Advocate with
Mr. Arshdeep Singh Khaira Advocate and
Mr. Abhishek Thakur, Advocate and
Ms.Navjot Kaur, Advocate for the petitioners.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.32 dated 18.07.2024 under Sections 7, 7-A of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau Range Amritsar, District Amritsar.
2. Learned senior counsel for the petitioners contends that the petitioners' false implication in the present case is evident from the fact that both the material witnesses, which include the complainant and the shadow witness, while deposing before the trial Court had not supported the case of the prosecution as a result of which they were declared hostile. It has been further submitted by the learned senior counsel that the petitioners have now been in custody since 18.07.2024 and the possibility of the trial concluding in the near future seems remote as only 03



witnesses out of the 15 prosecution witnesses cited by the prosecution, have been examined. A prayer has, therefore, been made in the aforementioned circumstances to extend the concession of bail to both the petitioners.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the complainant while stepping into the witness box had not supported the case of the prosecution and had been declared hostile, however, it has been submitted that the shadow witness is yet to be examined. Learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced herein-under:-

“Subject of first information report (if need arises, separate page be tagged along) Statement of Mr. Sukhveer Pal son of Mr. Ajit Kumar resident of village Kohlia, tehsil and district Pathankot. Mobile number:- 76268-06686. Stated that I am a resident of the above said address and working as a laborer. My brother Praveen Kumar has gone abroad (Qatar) for work. My sister-in-law Mrs. Pooja Devi, wife of Mr. Praveen Kumar, executed agreement to sell to purchase land 10 marla and to execute the sale deed from Vikas Sachdeva, resident of Pathankot hadbast no. 73 situated in village kathlour. Regarding the registration of which, on 16.07.2024, I along with my sister-in-law Pooja Devi, met Deed writer shri Subhash Sub-Tehsil Narot Jaimal Singh, District Pathankot, who prepared a sale deed in the name of my sister-in-law Smt. Pooja Devi and from Deed writer Subhash demanded a bribe of 4,000/- for each marla for a 10 marla land totalling to 40,000/- Rupees in the name of Tehsildar, Narot Jaimal Singh for registration. I had made an audio recording of it through my mobile phone. I told Subhash



Deed writer that we are poor men and do hard labor work. We cannot give this money to you as a bribe, so Subhash Deed writer said that without giving the money for bribe your registration will not be done by the Tehsildar. Therefore, if you want to get the registry done then at least Rs. 3,000/- per marla, a total of Rs. 30,000/- should be brought to Tehsil Narot Jaimal Singh on 18.07.2024 then I will talk to the Tehsildar and get your registry done. But I did not want to get my work done by paying a bribe. Therefore, today I have come to your office regarding the complaint made against Mr. Subhash, Deed Writer, Complex Sub-Tehsil Narot Jaimal Singh. I Present Indian currency notes of Rs.30,000/-. Legal action should be taken against Mr. Subhash, Deed Writer, Complex Sub-Tehsil Narot Jaimal Singh. I have written the statement, read it, listened to it, It is correct. (Sukhvir Pal above said) Signed in english. Attestation (Nirmal Singh) Deputy Superintendent Police, Vigilance Bureau, Pathankot. Dated- 18-07-2024 Signed in Punjabi.”

It has been submitted that a trap was laid down following which the petitioners were apprehended at the spot along with the tainted money. Learned State counsel has further submitted that the next date fixed before the trial Court is 27.11.2024 when some of the remaining witnesses are likely to be examined.

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

5. The prosecution case was set into motion by the complainant who has since been examined by the trial Court; though as not disputed by the learned State counsel, the complainant was declared hostile by the prosecution during trial. The trial is unlikely to conclude in the near future as only 03 witnesses out of the 15 prosecution witnesses, have been examined.



In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

November 21, 2024
poonam

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