



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

253

CRM-M-60024-2024

Date of decision: December 5th, 2024

Jaspreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Chadha, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.27 dated 08.07.2024 registered under Section 7 of The Prevention of Corruption Act, 1988 (for short 'the P.C. Act), at Police Station Vigilance Bureau, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 08.07.2024 in an apparent case of false implication. The petitioner, who is a Halqa Patwari, is accused of demanding bribe in the sum of ₹5,000/- for getting the mutation of the property of complainant's mother done. Learned counsel has further submitted that even as per the case of the prosecution, although it is claimed to be trap case, the recovery of tainted money was not made from the petitioner but from co-accused Gurdeep Singh. It has still further been submitted that even otherwise, since the petitioner is a serving Government employee, no sanction to prosecute him, as per the mandate of Sections 17-A, 19 of the P.C. Act and 197 Cr.P.C./218 BNSS had been

obtained qua him. Learned counsel submits that in the circumstances, the petitioner deserves to be enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite has, on instructions from ASI Gulsher Singh, not disputed the custody period of the petitioner nor has it been disputed that no sanction as mandated under the provisions of law had been obtained qua the petitioner, who was concededly serving as Halqa Patwari on the day of the registration of the FIR in question. It has also not been disputed, on instructions, that the alleged recovery of ₹5,000/- bribe money had been made not from the petitioner but from co-accused Gurdeep Singh. However, learned State counsel, on instructions, has submitted that the demand for bribe had been made by none other than the petitioner and it was pursuant to the alleged demand that a trap was laid.

4. On a further query, learned counsel has submitted that an incomplete challan has since been presented as the sanction to prosecute the petitioner is still awaited.

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

6. The petitioner is in custody since 08.07.2024 and in the facts and circumstances as enumerated hereinabove, the trial is unlikely to conclude in the near future, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

December 5th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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