



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

252**CRM-M-601-2025****Date of decision: 15.01.2025**

Gurnam Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.R.S.Rai, Senior Advocate with
Mr.Anurag Arora and Ms.Radhika Mehta and
Ms.Mehtab Kamboj, Advocates for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for granting the concession of regular bail to the petitioner in case FIR No.31 dated 14.10.2024 under Sections 7, 7-A, 12 of the Prevention of Corruption Act, 1988 as amended P.C. (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, District Ludhiana.

2. Petitioner is alleged to have demanded and accepted a bribe while serving as a Patwari. As per the allegations, Sarabjit Singh the complainant, had purchased a 1-marla vacant plot in village Dulle, District Ludhiana on 6th of November 2020. For updating the ownership records, the complainant approached the petitioner through intermediaries, Buta



Singh and Rana Singh. It is alleged that the petitioner demanded a bribe of Rs.1,00,000/- out of which Rs.65,000/- was paid in instalments through the intermediaries. The case against the petitioner is primarily based on the statement of the complainant, audio recordings involving the co-accused, and transcripts submitted during the investigation.

3. Learned Senior counsel for the petitioner has submitted that the allegations against the petitioner are false and frivolous, and he has been unnecessarily implicated in the present case. It has been further argued that even as per the allegations in the FIR, there is no direct evidence of the petitioner receiving any bribe rather it is suggestive that the bribe was received by co accused Rana Singh, who then allegedly handed it over to the petitioner. Furthermore, the alleged recovery of Rs.65,000/- has already been affected, and no further recovery is required from the petitioner. Learned Senior counsel submits that since the investigation in the present case is complete and the challan has been already presented before the Court, further incarceration of the petitioner in the above mentioned circumstances would serve no useful purpose as the petitioner poses no risk of tampering with evidence as the case against the petitioner primarily hinges on documentary evidence, which is already on record.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled against all the accused including the petitioner in the FIR in question which has been annexed as Annexure P-1. Learned State counsel has submitted that the petitioner, while serving as Patwari,



demand and received a bribe through his representatives, co accused Buta Singh and Rana Singh. However, learned State counsel on instructions has acknowledged that the investigation in the present case is complete, and the challan has since been presented. It has also not been disputed on instructions that there is no audio recording of any direct conversation between the petitioner and the complainant regarding the alleged demand of bribe.

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

6. The petitioner has been in custody since 14th of October 2024. Further incarceration of the petitioner would serve no useful purpose, especially as the investigation is complete and the challan has already been filed. The trial is unlikely to conclude in the near future, as none of the prosecution witnesses have been examined yet.

7. The case of the prosecution against the petitioner primarily rests on documentary evidence, including audio recordings and transcripts, between the complainant and the co accused, which are already part of the case file. Hence, there is no risk of tampering with this evidence.

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

9. 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.

10. 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.

January 15, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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