



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

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CRM-M-11217-2025 (O&M)
Date of decision: April 4th, 2025

Gulab Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail in FIR No.35 dated 24.12.2024 under Sections 7, 7-A of The Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau Range Ferozepur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which pertains to allegations of misconduct in his capacity as the Returning Officer during the Panchayat elections held in October 2024. It is submitted that the allegations against the petitioner, as set out in the FIR (Annexure P-1), do not disclose the essential ingredients necessary to invoke the provisions of the PC Act. Specifically, it is argued that there is no categorical assertion in the FIR regarding any demand or acceptance of illegal gratification by the petitioner. Furthermore, there has been no recovery of any bribe amount from the petitioner to

substantiate the charges against him under the PC Act.

3. Learned counsel further submits that the entire case hinges solely on the statement of the complainant, which upon close scrutiny, lacks material particulars such as date, time and specific location of the alleged transaction. This, as per the learned counsel, renders the allegations vague and unsubstantiated.

4. It is further contended that the allegations against the petitioner primarily revolve around the alleged rejection of nomination papers of complainant Hardeep Singh and other candidates contesting for the positions of Sarpanch and Panchayat Members. However, the FIR in question was registered after an abnormal delay of nearly two months from the date of the alleged incident. Such an inordinate and unexplained delay, it is argued, casts serious doubt on the veracity of the allegations and suggests that the FIR may have been lodged due to personal vendetta rather than any actual misconduct on the part of the petitioner.

5. Learned counsel for the petitioner also emphasizes that, even as per the own case of the prosecution, the alleged bribe amounts of ₹15 lakh and ₹8 lakh were purportedly handed over to co-accused Rahul Narang and not to the petitioner himself. There is no evidence indicating that the petitioner personally received or directly benefited from the alleged bribe amount. It is submitted that the absence of any direct transaction involving the petitioner weakens the case of the prosecution against him.

6. Additionally, learned counsel for the petitioner has drawn the attention of this Court to the fact that co-accused Rahul Narang, to whom the alleged bribe amount was purportedly handed over, has

already been granted the concession of regular bail vide order dated 07.03.2025. It is contended that since the petitioner stands on an even better footing than co-accused Rahul Narang, against whom there is greater incriminating material, he deserves the benefit of bail on the ground of parity.

7. Learned counsel for the petitioner submits that the petitioner has now been in custody since 24.12.2024. The investigation in the case has already been completed, and the challan has been presented before the trial Court. Given that the trial is likely to take considerable time to conclude, especially since none of the 30 witnesses cited by the prosecution have been examined thus far, there exists no justification to keep the petitioner in custody. A prayer has, therefore, been made to enlarge the petitioner on bail.

8. *Per contra*, learned State counsel, while opposing the prayer and submissions made by counsel opposite, has not disputed the custody period of the petitioner nor has he disputed the stage of trial; learned State counsel has also not disputed the fact that investigation is complete. However, it has been asserted that the petitioner, in his capacity as Returning Officer, conspired with co-accused Davinder Singh (Assistant Returning Officer), and co-accused Rahul Narang to demand and receive illegal gratification in furtherance of their common intention.

9. Learned State counsel, on instructions, further submits that the petitioner initially demanded a sum of ₹15 lakh from the complainant for not rejecting his nomination papers. Allegedly, pursuant to this demand, the said amount was received by co-accused Rahul Narang at the behest of the petitioner. Subsequently, as per the

learned State counsel, an additional amount of ₹8 lakh was also demanded and received by co-accused Rahul Narang, purportedly under the instructions of the petitioner. However, learned State counsel has conceded that no recovery of the alleged bribe amount was effected from the petitioner. It is also not disputed, on instructions, that co-accused Rahul Narang, who allegedly received the bribe amount, has already been granted the concession of bail.

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

11. It is not in dispute that the petitioner has been in custody since 24.12.2024. Challan already stands presented before the trial Court. Prosecution has cited 30 witnesses, none of whom have been examined as yet. Consequently, the trial is likely to take a considerable amount of time to conclude.

12. It is also an admitted position that no recovery of any alleged bribe amount has been made from the petitioner. The case of the prosecution rests primarily on the statement of the complainant, which, as pointed out by the learned counsel for the petitioner, lacks crucial details such as the date, time and place of the alleged transaction. Furthermore, the delay of two months in lodging the FIR raises a *prima facie* doubt regarding the genuineness of the allegations.

13. Significantly, co-accused Rahul Narang to whom the bribe amount was allegedly handed over, has already been granted regular bail. The State counsel has not been able to demonstrate any distinguishing factors that would warrant differential treatment in the case of the petitioner, particularly when the allegations of direct receipt of bribe pertain only to co-accused Rahul Narang and not the petitioner

himself. In such circumstances, the principle of parity would apply, and the petitioner cannot be denied bail when a co-accused similarly placed has already been granted the concession of bail.

14. Considering the totality of the circumstances including the long custody period of the petitioner and the likelihood of a protracted trial, this Court deems it fit to extend the concession of bail to the petitioner.

15. Accordingly, the instant petition is allowed. The petitioner be admitted to bail 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.

16. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

April 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes