

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

2025:PHHC:067100



(277)

CRM-M-16062-2025

Date of Decision: 19.05.2025

Davinder Singh Bagga

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Ms. G.K. Mann, Sr. Advocate with
Mr. A.J.S. Gill, Advocate for petitioner.

Mr. Sahil Chaudhary, AAG, Punjab assisted by
IO Anup Kumar.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.0049, dated 28.10.2024, under Section 7 of Prevention of Corruption Act as amended by P.C. (Amendment) Act, 2018, registered at Police Station, Vigilance Bureau, Range Amritsar, District Amritsar.

2. Learned counsel for the petitioner submits that false implication of the petitioner in the instant case finds due credence from the fact that both the material witnesses i.e. the complainant as well as the shadow witness PW-4 Shivpreet Singh while deposing before the learned Trial Court had not supported the case of the prosecution, as a result of which both were declared hostile. In support, learned senior counsel has drawn the attention of this Court to the depositions of both these material witnesses which is annexed with the petition. It has been further submitted that since

all the material witnesses out of the 17 have been examined; further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed that as many as 5 prosecution witnesses stand examined; both the material witnesses i.e. the complainant as well as the shadow witness while stepping into the witness box have been declared hostile as they had failed to support the case of the prosecution. In addition, learned State counsel has also not disputed the custody period of the petitioner, however, learned State counsel has reiterated the allegations levelled against the petitioner in the FIR, which has been reproduced in the body of the petition. He has further submitted that the petitioner was a public servant (Cashier in the P.S.P.C.L) and had demanded bribe to get the electricity connection of the complainant restored. A trap was laid and the petitioner was caught red handed by the raiding party accepting the alleged bribe amount of Rs.50,000/-.

4. I have heard learned counsel for the parties and examined the material on record.

5. All the material witnesses in the present case stand examined out of which the two most key witnesses i.e. the complainant and the shadow witness did not support the case of the prosecution, as a result of which they were declared hostile. The petitioner has been in custody since 28.10.2024. The trial would take considerable time to conclude.

6. In the light of the facts enumerated herein above, 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

19.05.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No