

2025:PHHC:131680



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

208

CRM-M-20508-2025 (O & M)
Date of decision: 22.09.2025

PREM SAGAR GULATI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Keerat Dhillon, Advocate,
Mr. Jaiveer Singh, Advocate,
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.14 dated 05.03.2025 under Sections 7-A, 13(1) A read with Section 13(2) of The Prevention of Corruption Act, 1988 and Sections 167 and 120-B of the Indian Penal Code, 1860, registered at Police Station Vigilance Bureau, Patiala.

2. On 07.07.2025, this Court had passed the following order:-

“Petitioner is seeking the concession of anticipatory bail in FIR No.14 dated 05.03.2025 under Sections 7-A, 13(1) A read with Section 13(2) of The Prevention of Corruption Act, 1988 and Sections 167 and 120-B of the Indian Penal Code, 1860, registered at Police Station Vigilance Bureau, Patiala.

Learned counsel for the petitioner, inter alia, submits that the petitioner has been falsely implicated in the present case, despite having superannuated from service in the year 2020. It is emphasized that the core issue forming the basis of the impugned FIR pertains to the issuance of certain No

Dues Certificates, which were issued in the year 2022-well after the petitioner had demitted office and ceased to hold any official position, authority, or control over the functioning of the Municipal Council, Sangrur.

It is contended that the FIR has been registered at the behest of a sitting Member of the Legislative Assembly and is politically motivated. The FIR, as per the learned counsel, is vitiated by a gross non-application of mind, as it fails to make out any prima facie role of the petitioner in relation to the alleged acts.

Learned counsel further submits the petitioner had no role, either administrative or statutory, in the municipal set up at the time the No Dues Certificates were processed, approved, or issued. It has been specifically argued that the petitioner had no access to or involvement in the official functions of the Municipal Council after his retirement. Importantly, there is not a single document or statement on record that connects the petitioner with any aspect of the issuance or approval of the said certificates.

It is also argued that there are no allegations, much less any evidence, suggesting that the petitioner ever demanded or accepted any illegal gratification in connection with the matter. There is equally no material to indicate that the petitioner misused his official position at any point of time.

Learned counsel has, therefore, prayed that the petitioner, who is a senior citizen with an unblemished service record be extended the concession of bail more so when he is willing to cooperate with the investigation.

Upon a specific query to the learned State counsel, it has not been disputed that the petitioner had retired from service prior to the issuance of the No dues Certificate. Although the learned State counsel, on instructions, has made a vague assertion that the petitioner is alleged to have extended tacit support to certain co-accused after his retirement and for extraneous considerations, it is nevertheless pointed out that no specific instance or supporting document has been produced in that regard.

Adjourned to 22.09.2025.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) BNSS/438(2) Cr.P.C.”

3. Learned counsel submits that in pursuance of the afore-

mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

4. Learned State counsel on instructions from SI Gurlabh Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 07.07.2025 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

22.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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