

2025:PHHC:084151



208.

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

CRM-M-21966-2025

Date of decision: 11.07.2025

Harpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Jawandha, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.24, dated 08.11.2024, under Section 7 of Prevention of Corruption Act, and Section 61(2) of BNS, registered at Police Station Vigilance Bureau Range, Jalandhar.

2. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the instant case, which arises out of the FIR in question, annexed as Annexure P-1, registered in connection with an alleged demand for illegal gratification of Rs.30,000/- from the complainant, purportedly linked to a notice issued under the *Building & Other Construction Workers' Welfare Cess Act, 1996*. It is submitted that the allegations in the FIR are vague, sweeping, and

generalised against the petitioner, with no specific attribution of demand, acceptance, or recovery of bribe.

3. Learned counsel still further submits that the core case of the prosecution revolves around co-accused, Alka Sharma, who was allegedly apprehended in a trap while accepting the bribe amount. It is stressed that the petitioner was not present at the scene of the trap and no recovery was made from him. Moreover, learned counsel has asserted that the audio recording relied upon by the prosecution, contains a conversation exclusively between the complainant and co-accused, Alka Sharma, and does not include the voice or any direct statement of the petitioner.

4. It has been further pointed out that the notice dated 08.10.2024, purportedly summoning the complainant for a hearing on 22.10.2024, alleged to be the basis for the demand of bribe, was neither issued nor signed by the petitioner. The challan in the present case has already been presented, and as many as 22 witnesses have been cited by the prosecution. However, learned counsel submits that the trial is yet to commence as the competent authority has not yet accorded the requisite sanction under Section 19 of the Prevention of Corruption Act for prosecution of the petitioner.

5. It has also been argued that the petitioner has been in custody since 20.02.2025, and considering that the case of the prosecution is primarily based on documentary evidence and that the trial is likely to be protracted, further incarceration of the petitioner would serve no useful purpose. Learned counsel has also highlighted that the co-accused, Alka

Sharma, who was allegedly caught red-handed, has already been granted bail, and the petitioner stands on a better footing than her.

6. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Sakshi Sharma, has contended that the allegations against the petitioner are grave, involving abuse of official position for facilitating a demand for bribe through his subordinate, co-accused, Alka Sharma, who functioned under his administrative control. It has been argued that although the petitioner was not physically present at the time of the trap, the demand for bribe was allegedly made in the context of an official notice issued from his office, thereby clearly indicating his knowledge and tacit involvement in the transaction.

7. It has still further been submitted that the trap was preceded by verification proceedings and that recovery of the bribe amount from the co-accused lends credence to the case of the prosecution. However, it is not disputed by learned State counsel, on instructions, that no recovery has been made from the petitioner and that the audio recording forming part of the evidence does not contain the voice of the petitioner. Additionally, it is admitted that the co-accused has been granted regular bail, and that the case against the petitioner, too, is based entirely on documentary evidence.

8. It has also not been disputed, on instructions, that the requisite sanction to prosecute the petitioner has not yet been received, which has led to the delay in the commencement of the trial.

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

10. The petitioner has been in custody since 20.02.2025. It is not disputed that the case of the prosecution against him is documentary in nature and that no recovery has been made from him. As not disputed by the learned State counsel that the petitioner was not present at the time of the trap and his direct involvement in the alleged demand and acceptance of bribe is not borne out from the material placed on record so far.

11. Crucially, the audio recording forming part of the case of the prosecution does not contain the voice of the petitioner.

12. Additionally, the requisite sanction under Section 19 of PC Act for prosecuting the petitioner has not yet been obtained. The presentation of challan alone does not translate into an imminent trial, especially where statutory sanction is awaited. The likelihood of an early conclusion of the trial, which involves a long list of 22 prosecution witnesses, appears remote.

13. In view of the foregoing discussion, further incarceration of the petitioner, particularly when his role is yet to be substantiated through cogent and admissible evidence and when his co-accused has already been granted the concession of bail, would not be justified.

14. 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, the petitioner shall not leave the country without prior permission of the Trial Court and shall

cooperate with the proceedings during the course of trial. The petitioner shall surrender his passport, if not already surrendered, to the Trial Court concerned.

15. 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 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

July 11, 2025
sanjeev

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