

2025:PHHC:109022



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-51049-2024

Date of decision: August 19, 2025

DAVINDER SINGH GILL

.....Petitioner

Versus

STATE OF UT CHANDIGARH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Ahluwalia, Advocate and
Mr. Keerat Dhillon, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., U.T. Chandigarh and
with Mr. Vaibhav Mittal, A.P.P., U.T. Chandigarh.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.86 dated 01.05.2024 (Annexure P/1) under Section 7 of Prevention of Corruption Act, 1988 and Section 120-B of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Sector 36, Chandigarh.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case for allegedly inducing public officials to extend undue favours to him while he was in custody. It is submitted that the allegations of payment of illegal gratification are unfounded and not supported by any cogent or incriminating material on record.

3. Learned counsel has further that one of the co-accused, namely ASI Jasbir Singh, who himself is a public servant and was alleged to have



facilitated the movement of the petitioner, has already been extended the concession of regular bail vide order dated 27.09.2024 (Annexure P-8). It is contended that on the ground of parity, the petitioner also deserved the benefit of regular bail.

4. Placing reliance upon the order dated 30.10.2023 (Annexure P-6), learned counsel submits that the present prosecution is nothing but a *mala fide* exercise by the investigating agency. He has drawn the attention of this Court to the fact that the petitioner, being a complainant in an FIR registered against a senior police officer, has been subjected to vindictive action and false implication in multiple criminal cases, including the instant FIR. It is contended that the present case is a manifestation of malicious prosecution against the petitioner. It is still further submitted that the investigation in the present case already stands concluded, the challan has been presented and charges have also been framed. However, none of the 21 prosecution witnesses cited by the prosecution have been examined till date. Learned counsel, therefore, prays for extending the concession of regular bail to the petitioner.

5. *Per contra*, learned Standing counsel for the UT has vehemently opposed the prayer and submissions made by the counsel opposite and reiterated the gravity of allegations levelled against the petitioner in the FIR in question, which stands reproduced hereinunder:-

“To, The SHO, It is submitted that in connection with official work that I/Dy. SP had received a secret information that the prisoner Devinder Gill S/o Mehar Singh who is locked in Burail Jail, Chandigarh in several cheating and fraud cases, who had



a peshi today in the Hon'ble Court Sh. Mohit, JMIC, CHD. Presently Sh. Sher Singh, JMIC, Chandigarh, District Court, Sector 43, Chandigarh, during this time the prisoner Devinder Gill along with some person in connivance with the officials deputed with him on Duty had done enjoyment in a Restaurant by taking undue advantage from them and by given some reward etc. to the officials and this is going on since last long. That I/Dy. SP has verified the circumstances in which it has come to knowledge that there are several cases of cheating, fraud and Immigration Act registered against the prisoner Devinder Gill S/o Mehar Singh in the Tricity whose peshis are going on in different Courts and since last long he is locked in Model Jail, Burail, Chandigarh. Yesterday, on 30.04.2024 also it was prisoner Devinder Gill's peshi in the Hon'ble Court Sh. Sher Singh, JMIC, Chandigarh in complaint Case No. NACT/3720,138 NI Act 2017, in which as per yesterday's duty roll in Police Line, Sector 26 ASI Jasbir Singh No. 1935/CHG and Const. Sandeep Kumar No. 1545/CP along with official vehicle No. CH01GA6844 were deputed on Escort Duty for presenting the prisoner Devinder Gill. But ASI Jasbir Singh had neither brought the aforesaid official vehicle and nor had he brought along Const. Sandeep No. 1545/CP and had neither marked him absent for not coming and had nor informed anyone and he had alone brought the prisoner Devinder Gill in some private vehicle and had presented him in the court and thereafter after fixing money or reward with aforesaid prisoner Devinder Gill, he had left him alone free for a long time and by exempting to do enjoyment for 3-4 hours as per the reward, he had sent him to meet on return on the same point Sector 43, Chandigarh. It has also come to knowledge that ASI Jasbir Singh No. 1935/CHG is giving undue advantage to the prisoner Devinder Gill by being connived with him on account of money and reward and from last long he is getting himself deployed on Duty for the peshi of Devinder Gill. Yesterday, on 30.04.2024 also, similarly while doing arrangement for the prisoner Devinder Gill and while giving him undue advantage he was sent along with someone to Pyramid Restaurant, Kharar, Mohali for getting done enjoyment and after doing enjoyment, after his return (the prisoner Devinder Gill) was brought back in the private vehicle and was left in Burail Jail, Chandigarh. The aforesaid ASI Jasbir Singh No. 1935/CHG with ill-intent and by not doing his duty honestly, by doing criminal conspiring together in connivance with Devinder Gill, while giving undue advantage to him and while receiving some reward etc. from him in lieu of it, both ASI Jasbir Singh and prisoner Devinder Gill's aforesaid act falls in the ambit of



offence U/s 7 PC Act (Prevention of Corruption Act) and 120-B IPC. Hence a statement is written and the same is sent by hand through Ct. Vikram No. 6215/CP to the Police Station for getting registered a case against ASI Jasbir Singh No. 1935/CHG and prisoner Devinder Gill. After registering the case, the file number may be intimated. I/Dy. SP get busy in further investigation. Sd/ Dy. SP Charanjit Singh Dt. 01.05.2024.”

6. It has been contended by the learned Standing counsel that while in custody in another case (NACT/3720), the petitioner was found to be unlawfully present in a restaurant instead of being taken back to prison, thereby availing undue benefits at the instance of officials responsible for his production before the learned trial Court. It has further been submitted that the petitioner is involved in a number of criminal cases. On this basis, it has been urged that the petitioner does not deserve the concession of bail.

7. At the same time, the learned Standing counsel, on instructions, has not been able to dispute the fact that investigation in the present case is complete, challan has already been filed and charges have been framed. It has also not been disputed, on instructions, that co-accused ASI Jasbir Singh, who is alleged to have failed in the discharge of his official duties by facilitating the petitioner, has already been granted the concession of bail vide order dated 27.09.2024 (Annexure P-8).

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

9. Undoubtedly, the allegations against the petitioner are grave in nature, involving inducement of a public servant and misuse of official



position to avail illegal benefits while in custody. However, in the present case, investigation is complete and charges already stand framed against the petitioner. The petitioner has been in custody since 02.05.2024. The co-accused, who is a public servant, has already been admitted to bail. Moreover, despite the framing of charges, not a single witness out of 21 cited by the prosecution has been examined till date, which clearly indicates that the trial is not likely to conclude expeditiously.

10. In the above backdrop, further incarceration of the petitioner would not be warranted. Therefore, this Court deems it fit to extend the concession of bail to the petitioner.

11. 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.

12. 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.

13. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 19, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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