

## Gurparkash Singh And Others Vs State Of Punjab

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Feb. 27, 2023

**Acts Referred:** Prevention Of Corruption (Amendment) Act, 2018 " Section 7, 7(a)  
Indian Penal Code, 1860 " Section 7, 7(a)

**Hon'ble Judges:** Gurvinder Singh Gill, J

**Bench:** Single Bench

**Advocate:** Jasvir Singh Dhaliwal, Ankit Chauhan, J.K. Singla, Swati Batra

**Final Decision:** Allowed

### Judgement

Gurvinder Singh Gill, J

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Gurparkash Singh and Mangat Singh seeking grant of

regular bail in respect of a case registered vide FIR No.11, dated 15.9.2022 at Police Station Vigilance Bureau District Bathinda, under Sections 7,

7(a) of Prevention of Corruption Act, 1988 (Amendment 2018) and Section 120-B of Indian Penal Code.

2. The allegations, in nutshell, are that property of the complainant had been attached as he had furnished surety at the time of advancement of loan by

Gagandeep Kaur to Buta Singh. However, later the matter was compromised and the said property was required to be released from attachment. It is

alleged that Registry Clerk, Gurparkash Singh (petitioner in CRM-M-51799-2022) demanded an amount of Rs.2,000/- from the complainant but since

the complainant did not wish to pay the same, he reported the matter to the Vigilance Bureau. Accordingly, a trap was laid and when the complainant

went to hand over the amount of Rs.2,000/- (tainted currency notes) to Gurparkash Singh, Registry Clerk, he (Gurparkash Singh) told the complainant

to hand over the same to his Chowkidar (Mangat Singh - petitioner in CRM-M-53494-2022), who was present in the room and accordingly the said

currency notes were handed over to Mangat Singh, who was found in possession of aforesaid tainted currency notes.

3. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case and that as a matter of fact the

currency notes were not recovered from possession of either the petitioners - Gurparkash Singh or petitioner - Mangat Singh and were recovered

from a box in a room adjacent to the Office of Gurparkash Singh, Registry Clerk. It has further been submitted that the petitioners, in any case, have

been behind bars since the last about 5 months and that challan already stands presented.

4. Opposing the petition, learned State counsel has submitted that it is a case where Mangat Singh had accepted the tainted currency notes at the

instance of petitioner - Gurparkash Singh and that petitioner - Mangat Singh led to recovery of the same, which he had kept concealed in a box and, as

such, their complicity is clearly evident. It has further been submitted that there is audio conversation between the petitioner - Gurparkash Singh and

complainant, which would fully corroborate the case of complainant. Learned State counsel has, however, informed that investigation already stands

concluded and that the petitioners have been behind bars since the last about 5 months and that they are not involved in any other case. It has further

been informed that as on date no PW out of the cited 19 PWs has been examined.

5. This Court has considered the rival submissions addressed before this Court.

6. It is no doubt correct that there are specific allegations against the petitioners. However, investigation already stands concluded and challan has

been presented. The petitioners have been behind bars since the last about 5 months. Conclusion of trial is likely to consume time as none out of the

cited 19 PWs has been examined so far. In these circumstances, further detention of the petitioners will not serve any useful purpose. Both the

petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. A copy of this order be placed on the file of connected case.