

(2018) 11 P&H CK 0099

High Court Of Punjab And Haryana At Chandigarh

Case No: Criiminal Miscellaneous (M) No.44986 of 2018 (O & M)

Harjinder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Nov. 22, 2018

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 438, 438(2)
- Prevention of Corruption Act, 1988 - Section 7, 13(2)
- Indian Penal Code, 1860 - Section 120B

Hon'ble Judges: Inderjit Singh, J

Bench: Single Bench

Advocate: Mansur Ali, Monika Jalota

Final Decision: Allowed

Judgement

Inderjit Singh, J.

CRM-38513-2018

Allowed as prayed for, subject to all just exceptions.

CRM-38514-2018

Allowed as prayed for. Annexure P-4 is taken on record, subject to all just exceptions.

CRM-M-44986-2018

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case

FIR No.15 dated 21.08.2018, registered at Police Station Vigilance Bureau, Jalandhar, District Jalandhar, under Sections 7 and 13(2) of the Prevention

of Corruption Act, 1988 and Section 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that FIR, in the present case, has been got registered by complainant-Sukhdev Singh on the allegations that when he had

approached the department for correction of entries in the birth certificate, the bribe was demanded. The present petitioner is not named in the FIR.

There is no allegation by the complainant that he ever approached the petitioner or the petitioner ever demanded bribe from him or he ever paid the

bribe to the petitioner. A trap was laid and one Thomas Masih was apprehended, who is a private person. The allegation against the present petitioner

has come during the investigation that Thomas Masih had accepted the money on behalf of the present petitioner as well as Superintendent. There is

also allegation that earlier, birth certificate with wrong particulars was issued and now, birth certificate with correct particulars has been issued under

signatures of the present petitioner.

In pursuance of the interim order dated 16.10.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for

custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any

opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 16.10.2018, granting interim bail to the petitioner,

is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438

(2) Cr.P.C.