

**IN THE COURT OF JASWINDER SINGH,
SPECIAL JUDGE, GURDASPUR.**

**Bail Appl. No.691/27.08.2021
CIS No.BA/2774/2021
CNR No. PBGD01-005773-2021
Date of Decision: 02/09/2021**

Mela Singh son of Karam Singh, resident of Village Saidpur Jhiri,
Shahkot, Jalandhar the then Naib Tehsildar, Sub Tehsil, Naushera Majha
Singh.

.....Petitioner

Vs.

State of Punjab

.....Respondent

FIR No.: 19 Dated 11/08/2021
U/S 7 of Prevention of Corruption Act, 1988 as amended by
Prevention of Corruption(Amendment) Act, 2018 and
120-B of Indian Penal Code,
Police Station: Vigilance Bureau, Amritsar.

First application for bail under Section 439 Cr.P.C.

Present: Sh. Mohit Mahajan, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Addl. P. P. for State.

ORDER

1. This is bail application under Section 439 Cr.P.C. filed by
the petitioner seeking regular bail for the alleged commission of
offences mentioned above.

2. Upon notice, learned Additional P. P. appeared on behalf
of respondent-state and contested the bail application. Police record
was also requisitioned and perused.

3. Present FIR was registered against the petitioner and
others on the complaint No.84 dated 15/05/2018 moved by Salwant

Singh with the allegations that Palwinder Singh Patwari had obtained Rs.3 Lacs, Mela Singh, Naib Tehsildar (petitioner) had obtained Rs.30,000/- and Bikram Singh Patwari(who has expired on 25/06/2018) had obtained Rs.30,000/- from him for correction of mutation No.1920 and all the incident of taking bribe by them from Salwant Singh has been video recorded in CD.

4. It is submitted by learned counsel for petitioner that the petitioner is innocent and has been falsely implicated in this case. The mutation in question was corrected as per the orders of the Deputy Commissioner, Gurdaspur, hence the question of raising demand of money for this purpose does not arise at all. There is no video recording which can collaborate the story of complainant and if some recording has been produced by the complainant, then it is forged and fabricated. There is delay of more than three years in registration of present FIR. The petitioner is in custody since 11/08/2021. Co-accused Palwinderjit Singh Patwari has already been admitted to bail by this court vide order dated 01.09.2021. Conclusion of investigation and presentation of challan shall take sufficient long time and no purpose would be served by keeping the petitioner behind the bars for indefinite period, so, he may be admitted to regular bail.

5. On the other hand, it is submitted by learned Addl. P. P. that the allegations against the petitioner are serious in nature.

Keeping in view the nature of allegations against the petitioner, present bail application is liable to be dismissed.

6. I have considered the contentions of learned counsel for petitioner as well as Ld. Addl. Public Prosecutor and also perused the record.

7. Petitioner is in custody since 11/08/2021. The complaint was moved by the complainant on 15/05/2018 but the present FIR has been registered on 11/08/2021. The allegations against the petitioner are matter of evidence which shall be led during the trial of present FIR. Conclusion of investigation and presentation of challan shall take sufficient long time and no purpose would be served by keeping the petitioner behind the bars for indefinite period. As such, without commenting on merits of this matter, present application is hereby allowed and petitioner is admitted to regular bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount, in the Court of learned Illaqa/Duty Magistrate to his/her satisfaction and subject to the following conditions:-

- i. That he will not hinder the ongoing investigation;
- ii. That he will not leave the country without prior permission of the Court;
- iii. That he will not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;

Police record be returned. Copy of this order be sent to

the court of learned Illaqa Magistrate for compliance. Record of present bail application be consigned to the record room.

Pronounced
Dated:02/09/2021.

Dimple Rawat, Steno-II

(Jaswinder Singh)
Special Judge,
Gurdaspur.

BA 2774 2021

Mela Singh Vs State

Present: Sh. Mohit Mahajan, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Addl. P. P. for State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, present bail application has been allowed and petitioner has been admitted to regular bail on his furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount in the Court of learned Illaqa/Duty Magistrate, subject to the conditions referred therein. Police record be returned. Copy of this order be sent to the court of learned Illaqa Magistrate for compliance. Record of present bail application be consigned to the record room.

Pronounced
Dated:02/09/2021.

Dimple Rawat, Steno-II

(Jaswinder Singh)
Special Judge,
Gurdaspur.