

**In the court of Sh. Puneet Mohan Sharma,
Additional Sessions Judge/Special Judge,
Hoshiarpur/ UID No. PB0167**

BA CIS No. 2722/2023
CNR No. PBH001008835-2023
Date of order: 10.10.2023

Balwinder Singh Inspector (earlier posted as SHO, PS Dasuya, District Hoshiarpur) aged 49 years s/o Om Parkash, resident of village Bareta, Ward No. 1, Near DAV School, PS Bareta, District Mansa.

.....Accused-applicant

Versus

State of Punjab

..... Respondent.

FIR No. 21 dated 29.8.2023
U/s 7 of Prevention of Corruption Act 1988
as amended by P.C (Amendment) Act 2018
Police Station: Vigilance Bureau Range Jalandhar,
through Vigilance Bureau Hoshiarpur.

(FIRST APPLICATION FOR REGULAR BAIL U/S 439 CR.PC)

Present: Sh. H.S Saini Advocate, counsel for applicant-accused
Sh. Varinder Kumar Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose of an application filed by the applicant-accused for grant of regular bail in the above noted case.

*Puneet Mohan Sharma
Additional Sessions Judge
Hoshiarpur/UID PB0167*

2. As per allegations, the present case was registered on the statement of complainant Balwinder Singh s/o Malkiat Singh, wherein he alleged that his cousin brother Gurnam Singh got registered one case bearing FIR No. 11/ 2023 U/s 420,406 IPC against Hira Lal Padri resident of Ludhiana and one Malkiat Singh at Police Station Dasuya. On 6.7.2023 the police of P.S Dasuya arrested accused Hira Lal Padri and in this regard Gurnam Singh and his brother Lakhwinder Singh were present in the police station Dasuya. The other accused Malkiat Singh was also present there, where a fight took place in between Malkiat Singh and Gurnam Singh & Lakhwinder Singh. When he (complainant) came to know about this, he also went there. The complainant further stated that Inspector Balwinder Singh SHO Dasuya called him in his office and said that he would register FIR U/s 326 IPC against Gurnam Singh and Lakhwinder Singh. He requested the SHO not to register case against them but Inspector Balwinder Singh said that if they want to escape from this case, then they would have to pay Rs. One lakh but later on he agreed to accept Rs. 50,000/- from the complainant. The complainant further stated that after receiving Rs. 20,000/- SHO released his cousin Gurnam Singh and brother Lakhwinder Singh, but thereafter on the statement of Malkiat Singh, Inspector Lakhwinder Singh registered false FIR No. 126 date 8.7.2023 U/s 324,506,34 IPC against Gurnam Singh and Lakhwinder Singh by showing wrong place of occurrence. Thereafter SHO

started demanding the remaining amount of bribe for not adding the offence U/s 326 IPC in the said FIR. The complainant further stated that he do not want to give Rs. 30,000/- to the Inspector Balwinder Singh and action be taken against them. Thereafter a trap was laid to nab Inspector Balwinder Singh but he said that the money be handed over to his driver ASI Jagmohan and thereafter said ASI Jagmohan was caught red handed while accepting the bribe money. The applicant-accused was also arrested in this case. Hence this application for regular bail.

3. The learned counsel for applicant-accused has argued that the applicant-accused is innocent person and he has been falsely implicated in the present case. He has further contended that neither any demand was made by the applicant, nor he has accepted the tainted money nor anything was recovered from him. That Rs. 60,000/- recovered from the house of applicant-accused during search was of his personal money and is not connected with the present case in any manner. That the alleged tainted money has already been recovered in this case. He has further contended that the applicant-accused is in judicial custody since 29.8.2023 and nothing is to be recovered from him. The presentation of challan and conclusion of trial shall take sufficient long time, so no useful purpose would be served by keeping the accused behind the bars. So, it is prayed that applicant-accused be released on bail.

4. On the other hand, the learned Public Prosecutor for the State has opposed the bail application and prayed for dismissal of the same.

5. I have heard the learned counsel for applicant-accused as well as learned Public Prosecutor for the State and have perused the record.

6. As per allegations in the FIR, on the basis of statement of complainant a trap was laid by the Vigilance Bureau, Hoshiarpur and non-applicant / co-accused ASI Jagmohan was arrested from the spot alongwith bribe money. Admittedly, out of bribe money nothing was recovered from the applicant-accused nor he accepted the same. The learned counsel for applicant argued that transcription of conversation relied upon by the investigating agency is not sufficient to implicate the present applicant-accused. The evidence with regard to recording of conversation and its connection with the present accused and the role and inculpability of the applicant-accused would be seen during the trial when the prosecution would lead the evidence. Perusal of record shows that the applicant-accused was arrested in this case on 29.8.2023 and since then he is in custody. The presentation of challan and conclusion of trial shall take sufficient long time and no useful purpose would be served by keeping the applicant-accused behind the bars for indefinite period. So, in these circumstances, the present application is allowed and the applicant-accused Balwinder Singh is ordered to be released on regular bail on his furnishing bail bonds to the tune of Rs. 100,000/- with one

surety of the like amount to the satisfaction of learned CJM/Duty Magistrate, Hoshiarpur with the conditions that he will cooperate the investigating agency in all respect, he will appear in the court on each and every date of hearing, he shall not induce or threat the prosecution witnesses and shall not leave the country without prior permission of the Court. After accepting the bail/surety bonds same be returned to this Court immediately. Copy of this order be sent to the Court of learned CJM, Hoshiarpur for necessary compliance.

7. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present bail application and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Police record be returned and file of bail application be consigned to record room.

Announced in open Court:
Dated: 10.10.2023.

Kulvinder Singh JW

**(Puneet Mohan Sharma),
Additional Sessions Judge,
Hoshiarpur (UID No.PB-0167)**

Puneet Mohan Sharma
Additional Sessions Judge
Hoshiarpur/UID PB0167

Balwinder Singh Vs State

Present: Sh. H.S Saini Advocate, counsel for applicant-accused
Sh. Varinder Kumar Public Prosecutor for the State.

As per statement of Inspector Lakhwinder Singh this is the first application for regular bail filed by accused Balwinder Singh and no such bail application is either filed or pending in court of parallel jurisdiction or any other court or Hon'ble High Court.

Arguments heard. Vide my separate detailed order of even date, the anticipatory bail application filed by applicant/accused has been allowed, as stated therein. Police record be returned and file of bail application be consigned to record room.

Announced in open Court:
Dated: 10.10.2023.

Kulvinder Singh JW

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Additional Sessions Judge,
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