

**IN THE COURT OF PARMINDER SINGH GREWAL,
JUDGE SPECIAL COURT (UID NO.PB0438),
JALANDHAR.**

CIS No.	BA 1014/2021
CNR	PBJL01-002528-2021
DATE OF INSTITUTION	05.03.2021
DATE OF DECISION	24.03.2021

ASI Vijay Kumar (Belt No.241) son of Sh. Om Parkash, resident of House No. 298/A, Near Gate No.04, PAP Lines, Jalandhar at present resident of quarter No.559, Near Gate No.5, PAP Lines, Jalandhar.

....Accused/applicant

Versus

State of Punjab.

....Respondent

FIR No.08 dated 25.02.2021
Under Section 7, 7-A of the Prevention of Corruption Act, 1988 as amended by the PC (Amendment) Act, 2018 read with section 120-B of IPC.
P. S. Vigilance Bureau, Jalandhar.

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

Present: Sh. Kamaljit Singh, Advocate for Sh. Mukhtiar Mohammed
Advocate counsel for the accused/applicant.
Sh. Sandeep Kumar, Addl. PP for the State.

1. This order of this Court shall dispose of the present bail petition filed by the petitioner Vijay Kumar, under Section 439 of Cr.P.C. for releasing him on regular bail in case FIR No.08 dated 25.02.2021 under Sections 7, 7-A of the Prevention of Corruption Act 1988 read with as amended by the PC (Amendment) Act, 2018 registered at Police Station Vigilance Bureau, District Jalandhar.

2. Learned counsel for the petitioner has argued that the present petitioner has been falsely implicated in the present case. He has further argued that the present petitioner has not committed any offence. He has further argued that no recovery has been effected from the present petitioner. He has further argued that the present petitioner has already suffered custodial interrogation as he is in custody since 25.02.2021. He has further argued that the investigation of the present case is at its initial stage and conclusion of the trial is likely to take up considerable time. He has thus, prayed that the present bail petition may kindly be allowed.

3. On other hand, Ld. Addl. PP for the State assisted by the investigating officer has submitted that the present petitioner, who is serving as ASI at police station Maqsudan, Jalandhar has demanded Rs.2 lacs as bribe from the Bikramjit Singh to release his brother Balbir Singh. He has further argued that the bargain was settled for a sum of Rs.1,10,000/-. He has further argued that the present petitioner has received Rs.85,000/- from the complainant. He has further submitted that the complainant did not want to pay bribe and thereafter, the complainant approached the vigilance authorities for taking appropriate legal action against the present petitioner and his other co-accused and thereafter, the present petitioner and his aforesaid other co-accused Sukhjinder Singh were arrested on dated 25.02.2021 after acceptance of the aforesaid amount of Rs.25,000/- from the complainant as bribe. He has thus, prayed for dismissal of the present bail petition.

4. This court has heard both the learned counsel for the petitioner and Ld. Addl. PP for the State and perused the record with their able

assistance.

5. This court is of the considered view that as per allegations levelled against the present petitioner in the present FIR, it has been alleged by the complainant that on 04.02.2021, the present petitioner Vijay Kumar, who was posted as ASI at police station Maqsudan, has apprehended his younger brother Balbir Singh in the NDPS case. It has further been alleged that the present petitioner has sent message to the complainant to meet him at Bidhipur Railway Crossing. It has further been alleged that the complainant alongwith his grand father Balkar Singh, uncle Sarabjit Singh and Sheera, member panchayat met the present petitioner and requested him that Balbir Singh is innocent and he is not drug addict and further requested him to release Balbir Singh. It has further been alleged that thereafter, the present petitioner demanded Rs.2 lacs to release the aforesaid Balbir Singh and also to release motorcycle and further threatened him if they did not pay the amount, he will register a case against the aforesaid Balbir Singh. It has further been alleged that thereafter, the bargain was settled for Rs.1,10,000/- by Sukhjinder Singh Nambardar, the co-accused of the present petitioner. It has further been alleged that the complainant has paid Rs.85,000/- on different dates. It has further been alleged that the complainant did not want to pay the remaining amount of Rs.25,000/- and he approached the Vigilance authorities. It has further been alleged that the present petitioner has been apprehended by the Vigilance Bureau officials on dated 25.02.2021, while accepting the aforesaid remaining amount of Rs.25,000/- as bribe from the complainant. Furthermore, the present petitioner has already suffered custodial interrogation as he is in custody since 25.02.2021.

Furthermore, the investigation of the present case is at its initial stage and conclusion of the trial is likely to take up considerable time. Therefore, no useful purpose will be served by keeping the present petitioner in further judicial custody. Furthermore, the obtaining of sanction to prosecute the present petitioner from the competent authority shall also take considerable time as the investigating officer has apprised the court that they will write a request for obtaining sanction to prosecute the present petitioner from the competent authority after collecting more materials and after recording of statements of various witnesses under Section 161 Cr.P.C.

6. In view of reasons discussed herein before, the bail petition filed by the present petitioner under Section 439 Cr.P.C. is hereby allowed and the present petitioner is ordered to be released on regular bail under Section 439 Cr.P.C. on his furnishing bail bonds in the sum of Rs.one lac with one surety in the like amount.

7. The present bail petition is disposed of in the above terms. Papers be tagged with the remand papers.

Pronounced in the Open Court
Dated:24.03.2021
*Som Nath **

(Parminder Singh Grewal)
Judge Special Court,
Jalandhar (UID NO.PB0438).