

CNR No: PBJL010011302018

CIS No: BA/389/2018

Present: Shri Sarabjit Singh, Advocate, counsel for the applicant/accused
Shri Gurpal Singh, Addl. P.P. for the State.

1. Arguments on bail application moved by applicant/accused **Paramjit Singh** under section 439 Cr.P.C. in this case bearing **FIR No.26 dated 27.12.2017 under section 7,13(2) of Prevention of Corruption Act & Section 120-B of Indian Penal Code, registered at Police Station Vigilance Bureau, Jalandhar**, heard. Police record has been received and perused.

2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. The tainted amount of Rs.60,000/- allegedly recovered is part payment of the compromise effected between the parties in a criminal case bearing FIR no.363 dated 24.10.2017 under Section 363, 366-A, 376 (G) IPC registered against the son of the complainant along with other accused on the statement of daughter of Sukhdev Singh, who is grand daughter of the brother of applicant/accused. The compromise in the aforesaid case was effected with the help of panchayat and for the betterment of both the girl and boy regarding which an affidavit duly

attested from Suvidha Centre was also prepared. The prosecutrix and her father in the aforesaid case FIR no.363 have agreed to suffer statement in the Court as per compromise. Applicant/accused was arrested in this case on 27.12.2017. Neither any illegal gratification was demanded by him nor he has accepted any such amount of illegal gratification. The presentation and disposal of challan will take time. Therefore, it is prayed that applicant/accused may kindly be released on bail.

3. On the other hand, learned Addl. P.P. for the State has vehemently argued that applicant/accused, being peon in Government High School Village Dhariwal in connivance with his co-accused ASI Darshan Lal made a demand of Rs. Five lakh to help the son of complainant, who was arrested in a criminal case bearing FIR no.363 dated 24.10.2017 under Section 363, 366-A, 376 (G) IPC and under Section 4 and 6 of Protection of Children from Sexual Offences Act 2012 on 24.10.2017 and they agreed to do the help of son of complainant for a sum of Rs. Three lakh and out of which, they have to get Rs.1,60,000/- as illegal gratification and the remaining amount was to be paid by them to the family of the prosecutrix. He has further argued that applicant/accused along with his co-accused ASI

Darshan Lal was captured red handed while getting illegal gratification of Rs.60,000/- on 27.12.2017 by laying trap and as such he is not entitled to get the concession of bail. Therefore, it is prayed that bail application moved by application/accused may kindly be dismissed.

4. As per allegations of the prosecution, applicant/accused along with his co-accused ASI Darshan Lal was captured red handed while receiving illegal gratification of Rs.60,000/- on 27.12.2017 by laying trap as applicant/accused demanded a sum of Rs. Five lakh for getting removed the name of son of complainant from a criminal case bearing FIR no. 363 dated 24.10.2017 under Section 363, 366-A, 376 (G) IPC and under Section 4 and 6 of Protection of Children from Sexual Offences Act 2012 in connivance with his co-accused ASI Darshan Lal but the deal was struck for a sum of Rs. Three lakh, out of which Rs.1,60,000/- was to be kept by applicant/accused and ASI Darshan Lal as illegal gratification and the remaining amount was to be paid by them to the family of prosecutrix. Applicant/accused was arrested on 27.12.2017 and he has been in judicial custody since 29.12.2017. Presentation and disposal of challan will take time. Hence, no useful purpose would be served by keeping applicant/accused behind bars

for indefinite period as rather it amounts to burden on State exchequer. Therefore, applicant/accused Paramjit Singh is ordered to be released on bail to the satisfaction of learned Illaqa/Duty Magistrate, on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of like amount, with the condition that applicant/accused will neither leave the country without prior permission of the court nor he will tamper with the witnesses of the prosecution and he will appear before the learned trial Court on each and every date of hearing. Police record be returned immediately and copy of this order be sent to the learned Illaqa/Duty Magistrate. Record of this bail application be consigned to record room, Jalandhar.

Pronounced:
Dated:29.01.2018

(Sham Lal)
Special Judge,
Jalandhar
[UID No. PB0123]

manjit singh, stenographer