



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

CRM-M-11167-2025 (O&M)
Date of decision: April 4th, 2025

Gulab Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Puneet Kumar Bansal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail in FIR No.32 dated 21.11.2024 under Section 7 of The Prevention of Corruption Act, 1988 (for short the 'PC Act'), registered at Police Station Vigilance Bureau, Range Ferozepur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which pertains to the alleged misuse of his position as Returning Officer during the Panchayat elections held in October 2024. Drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel submits that a plain reading of the FIR does not disclose the essential ingredients necessary to attract the provisions of the PC Act. Specifically, it is argued that there is no direct evidence of any demand or acceptance of

bribe by the petitioner. Furthermore, no recovery has been made from him to substantiate the allegations.

3. Learned counsel further submits that even the alleged recovery of ₹5 lakh from the residence of the petitioner has no connection to the alleged crime. It is asserted that this amount pertains to a gold loan sanctioned by the State Bank of India for the higher education of the daughter of the petitioner in Canada. In support of his contention, learned counsel has drawn the attention of this Court to Annexures P-3 and P-4, which purportedly substantiate the claim of the petitioner. It is further submitted that the prosecution has failed to establish any direct nexus between the recovered amount and the alleged bribe, thereby weakening the case against the petitioner.

4. Learned counsel further contends that as per the allegations in the FIR, the alleged demand for bribe was made on 03.10.2024, yet the FIR was registered only on 21.11.2024, after an unexplained and inordinate delay of over a month. This, according to the learned counsel for the petitioner, raises serious doubts about the credibility of the allegations and supports the inference that the petitioner has been falsely implicated.

5. It has still further been submitted that the entire case of the prosecution rests solely on the statement of the complainant, which is vague and devoid of material particulars such as the date, time and specific location of the alleged transaction. The complainant has failed to provide any corroborative evidence in the form of independent witnesses, audio or video recordings, or documentary proof to substantiate his claim. Even the audio recordings relied upon by the

prosecution involve only co-accused Davinder Singh and the complainant, with no reference to any role played by the petitioner.

6. Additionally, learned counsel submits that the petitioner has been in custody since 21.11.2024. The trial is still at the stage of consideration on charge, and none of the 19 prosecution witnesses cited in the challan have been examined so far. Given the anticipated delay in the conclusion of the trial, it is argued that further incarceration of the petitioner would serve no useful purpose and, therefore, he be extended the concession of bail.

7. *Per contra*, learned State counsel, while opposing the prayer and submissions made by counsel opposite, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has been submitted by the learned State counsel that serious allegations have been levelled against the petitioner accusing him of demanding and accepting illegal gratification in connection with the acceptance of nomination papers from the complainant during the Panchayat elections held in October 24.

8. It has been further submitted that the petitioner in collusion with co-accused Davinder Singh, demanded a bribe of ₹10 lakh from the complainant, in exchange for ensuring that his nomination papers were not rejected. The complainant, under coercion was then allegedly compelled to make the payment.

9. However, learned State counsel, on instructions, has not disputed that the only audio recording on record are between the complainant and co-accused Davinder Singh; Davinder Singh has already been granted the concession of anticipatory bail.

10. Learned State counsel has further apprised this Court that the investigation in the case has been completed, charge sheet has been filed before the trial Court, and the case is presently listed for consideration on charge.

11. I have heard learned counsel for the parties and perused the material placed on record.

12. The petitioner has been in custody since 21.11.2024. The trial has not yet commenced, and none of the 19 prosecution witnesses cited have been examined so far. Given the stage of proceedings, it is evident that the trial is likely to take considerable time to conclude.

13. It is an undisputed fact that no direct demand or acceptance of bribe by the petitioner has been recorded; as per the conceded case of the State, no direct link between the recovered amount i.e. ₹5 lakh and the alleged bribe has been collected by the investigating agency, other than the statement made by the complainant, which significantly weakens the case against the petitioner at this stage. Additionally, the prosecution is primarily relying on the statement of the complainant, which as already pointed out by the learned counsel for the petitioner, lacks specific details regarding the alleged transaction. Notably, even the recorded conversations in the case involve only co-accused Davinder Singh and the complainant, without any reference to the role of the petitioner.

14. Co-accused Davinder Singh has already been extended the concession of anticipatory bail. The State has not demonstrated any cogent reason to justify differential treatment in the case of the

petitioner, particularly when the direct evidence of alleged bribery pertains to co-accused Davinder Singh.

15. At this stage, this Court, without commenting upon the merits of the case, deems it fit to extend the concession of bail to the petitioner. Needless to add, the allegations against the petitioner will be assessed during the trial.

16. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

17. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

April 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No