

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 5273/2022

(Arising out of impugned final judgment and order dated 12-05-2022 in MCRC No. 897/2022 passed by the High Court of Chhatisgarh at Bilaspur)

STATE OF CHHATTISGARH

Petitioner(s)

VERSUS

GURJINDER PAL SINGH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.80172/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.80173/2022-EXEMPTION FROM FILING O.T.)

Date : 31-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MS. JUSTICE HIMA KOHLI
(VACATION BENCH)

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sumeer Sodhi, AOR
Mr. Abhishek Lalwani, Adv.

For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Abhishek Amritanshu, Adv.
Mr. Amit Pawan, AOR
Mr. Hassan Zubair Waris, Adv.
Ms. Shivangi, Adv.
Mr. Aakarsh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Mukul Rohtagi, learned senior counsel appearing on behalf of the petitioner-State. The respondent, who is an accused in a case registered under the Prevention of Corruption Act, 1988 for acquiring assets disproportionate to his income, has been granted regular bail by the High Court by the impugned order.

The earlier attempts by the respondent to get anticipatory bail or interim bail were rejected upto this Court.

After his arrest and upon filing a charge sheet, the application for grant of regular bail was filed before the High Court.

Mr. Mukul Rohtgi, learned senior counsel submitted that the respondent is a very high ranking police officer being Additional Director General of Police and has indulged in tampering of evidence. He submits that all these aspects have been ignored by the High Court while granting bail to the respondent.

We find that the present petition is nothing but a totally unwarranted exercise on behalf of the petitioner-State. While considering the application for bail, the status of the applicant is not to be considered. As an ordinary citizen is entitled to his rights under the Constitution, equally a high ranking officer cannot be denied the right under the Constitution. In a case of disproportionate assets, most of the evidence is documentary evidence and therefore, there is no question of tampering such an evidence. Moreover, in any case the High Court has imposed stringent conditions to ensure the interest of the prosecution.

The present Special Leave Petition is without any merit and is accordingly dismissed.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(RANJANA SHAILEY)
COURT MASTER