

Mohan Singh, Advocate

Vs

Union Territory Chandigarh

Criminal Appeal No. 118 of 1978

(V. R. Krishna Iyer, Jaswant Singh, R. S. Pathak JJ)

20.02.1978

ORDER

1. The offence alleged in this case against the appellant is one under Section 5(2) of the Prevention of Corruption Act. Bail was granted by the Sessions Judge after hearing counsel on both sides but it was cancelled by the High Court mainly for the reason that the appellant had simultaneously moved for bail in the Sessions as well as in the High Court without disclosing to the Sessions Court that he had moved for bail in the High Court. This naturally made the High Court feel that the party was not straightforward in his dealings with the Court. The consequence was that the bail already granted was reversed.

2. Counsel for the State pressed before us that the corruption of which the appellant was guilty prima facie (according to the results of the investigation) was substantial. Let us assume so. Even then refusal of bail is not an indirect process of punishing an accused person before he is convicted. This is a confusion regarding the rationale of bail. This Court has explained the real basis of bail law in *Gurcharan Singh v. State (Delhi Administration)* ((1978) 1 SCC 188 : 1978 SCC (Cri) 41 : AIR 1978 SC 179). We do not think there is as yet any allegation against the appellant of interference with the course of justice or other well-established grounds for refusal of bail. In this view, we direct that the appellant be allowed to continue on bail until further orders to the contrary passed by Sessions Court if good grounds are made out to its satisfaction.

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