

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19643 of 2015 (O&M)

Date of decision: 16.06.2015

Arun Kumar

... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.R. Yadav, Advocate for the petitioner.

Mr. N.S. Shekhawat, Advocate for the complainant.

Mr. R.S. Pathania, Deputy Advocate General, Punjab.

K.Kannan, J.

This is an petition for regular bail in case of alleged offence under Prevention of Corruption Act. According to the complaint, the petitioner who was a Block Development Officer has pressurized and collected illegal gratification from his subordinates and in a trap laid, he was alleged to have been caught with the money which was taken by him from his office drawer.

The petitioner would argue that he was actually in a meeting and money had been planted in his officer drawer and there was no colour pigmentation seen while washing his hand in the alleged recovery. This according to him showed prima facie that money had been planted and that there was no proof that he had the money.

The state on notice would contend that the investigation has been transferred to special investigation team at Hisar and they have seized a CD that has recorded the alleged conversation between the petitioner and his subordinates demanding illegal gratification. The voice has not been so far identified. Counsel appearing for the complainant would contend that three of his subordinates have given affidavits and they have been pressurized to part with money and if he is released he will influence the witnesses and would not allow for appropriate investigation to be conducted. According to him, the

chargesheet has not been filed yet and his pre-mature release will cause very serious prejudice to the investigation process. He would also contend that the Executive Magistrate is himself a colleague of the petitioner of equal rank and there will be no fairness in the investigation if the petitioner is released on bail now.

The money alleged to have been demanded is recovered and the principal witnesses are themselves officials working. It is not very easy to accept that they could be very easily influenced. The principal prosecution witnesses could be only the persons who have handed over the money and they could not be easily gained over to depose in favour of the petitioner. The examination of the CD for voice verification is a scientific process done in forensic labs and it would not be possible to influence the making of report easily.

I am of the view, in the circumstances, that there could be no serious prejudice caused to the investigation, particularly considering the fact that the petitioner has been in confinement since 08.05.2015. The petitioner, is therefore, ordered to be released on bail on condition that the petitioner gives bail bond for ₹ 30,000/- with two sureties of like amount. The petitioner shall remain out of the District of Rewari and stay in the adjoining District at Hisar where the investigation is said to have been transferred. He shall report at the Police Station at State Vigilance Bureau at Hisar once in a week and sign the register maintained there until further order modifying the same. The petition is disposed off on the above terms.

Bail bonds shall be granted subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Rewari.

16.06.2015
kv

(K.KANNAN)
JUDGE