

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

**Criminal Misc. No.M- 22118 of 2015 (O&M)
Date of Decision: July 31, 2015**

Ashok Kaushik

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No.35 dated 01.06.2015, registered under Sections 7 & 13 of Prevention of the Corruption Act at Police Station State Vigilance Bureau, Rohtak.

A complaint was made by one of the farmers to the Vigilance Cell that he had approached the Horticulture Department to avail subsidy given to every farmer. He had alleged that Ashok Kaushik, H.D.O. Rohtak had divided the subsidy in three parts, out of which one part was given to the farmer, one part went to Ashok Kaushik and the remaining part was taken by Rajender Malik, the D.H.O. He had further complained that subsidy had been granted to nine farmers. The complainant also disclosed that he spoke to Ashok Kaushik and he asked him to give Rs.60,000/- to Rajender Malik as he was out of station. The complainant did not want to pay and gave a complaint to the Vigilance Department.

Counsel for the petitioner contends that no case was made out against the petitioner and a trap was laid and recovery was effected from Rajender Malik and the petitioner had neither demanded money nor any recovery was effected and custodial interrogation was not necessary. He refers to ***Shradhesh Chandra (S. Chandra) Vs. State of Punjab*** 2011(2) Law Herald 1499.

The State counsel informs that the petitioner was the main accused and custodial interrogation is necessary and his mobile phone is also required and they want to check the details of his call records. He urges that it was on his demand that the amount was paid to the D.H.O. who had been caught red handed.

The authority referred to by the petitioner is not applicable to the case in hand. A complaint had been made by the farmer who had been told to pay the amount. Besides that, the co-accused caught red handed, had also named the petitioner. Custodial interrogation is necessary. No case for anticipatory bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

July 31, 2015
sunil