

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

CRM-M-24662-2015

Date of decision: 04.12.2015

Surender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Satbir Singh Malik, Advocate,
for the petitioner.

Ms. Mahima, AAG, Punjab.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.158 dated 14.02.2015, under Sections 7/13 of Prevention of Corruption Act, 1988, registered at Police Station City Karnal.

Prosecution story, in brief, is that information was received by the police that police officers posted on PCR were taking bribe from the cattle traders and were also giving beatings to the truck drivers and threatened the said drivers. On the basis of the information a raid was organized. Mohammad Israr cleaner of a truck bearing No.HR-46-D-7896 was handed over four currency notes in the denomination of ₹500/- each and he was further directed to hand over the said

currency notes to the officials on demand. Thereafter, the raiding party reached near Maharana Partap Chowk Karnal where PCR No.3 having registration No.HR-45-A-6200 chased the truck and stopped the truck. Then Mohammad Israr handed over four signed currency notes in the denomination of ₹500/- each to Incharge/Assistant Sub Inspector Satbir Singh. Petitioner who was the driver of the PCR alighted from the vehicle and misbehaved with the driver of the truck and threatened the driver. Petitioner, however, ran away from the spot.

Learned counsel for the petitioner has submitted that in fact petitioner was not present at the spot due to his illness. In this regard learned counsel has placed reliance on Annexure P-2, medical certificate issued by Dr. Gian Chand Gupta. Learned counsel has further submitted that petitioner has joined investigation and has also submitted that the place where the raid was conducted and the clinic of Dr. Gian Chand Gupta is in the same area.

Learned State counsel, on the other hand, has opposed the petition and has submitted that as per the record of call details, petitioner was present at the spot. The medical certificate Annexure P-2 was got enquired and it is not a genuine document. Learned State counsel has further submitted that petitioner is required for custodial interrogation. Learned State counsel has submitted that as

per the duty roster, petitioner was posted as a driver of the PCR in question and was on duty with the PCR in question at the time of raid.

In the present case, allegations levelled against the petitioner are serious in nature. As per the prosecution case, petitioner was the driver of the PCR in question and had misbehaved with the driver of the truck and had threatened him and had fled away from the spot. During investigation, prosecution has collected the record of the call details of the petitioner to establish his presence at the spot. Hence, at this stage, no reliance can be placed on medical certificate, Annexure P-2. Petitioner is required for custodial interrogation.

No ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.

December 04, 2015
kapil

(SABINA)
JUDGE