

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

CRM-M-26793-2015

Date of decision: 18.08.2015

Vinod Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.K. Nehra, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.37 dated 05.06.2015 under Sections 7, 13 of Prevention of Corruption Act, registered at Police Station SVB Rohtak, District Rohtak.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case at the instance of the complainant Maman Singh who has misconducted himself to such an extent that another FIR No.222 dated 06.06.2015 under Section 506 IPC was registered at Police Station City Gohana against one Sheelu. However later on, complainant Maman Singh furnished his own affidavit to the police authorities to the effect that he lodged FIR No.222 dated 06.06.2015 because of some misunderstanding. Thereafter, he filed his affidavit before the Court as well and due to that reason, accused of FIR No.222 dated 06.06.2015 was granted the concession of anticipatory bail by the learned Additional Sessions Judge, Sonapat vide order dated 02.07.2015. In such a situation, the statement suffered by complainant Maman Singh cannot be relied upon for

any purpose. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Ramniwas, Police Station SVB, District Rohtak, submits that petitioner was caught red-handed. There is a definite evidence against him. Challan has been presented in the present case and there is no delay caused at the hands of the investigating agency or prosecuting agency. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the totality of facts and circumstance of the case noticed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because the conduct of the complainant Maman Singh seems to be unsatisfactory. He has been found changing his stand as per his convenience. In such a situation, it will be a debatable issue before the learned trial Court whether complainant Maman Singh was a reliable witness or not. Further, since prosecution evidence is yet to start, conclusion of the trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

18.08.2015
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