

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

(212)

CRM-M-31125-2015

Decided on: September 22, 2015.

Sunil Dutt

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Chanakya Pandit, Advocate, for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner is a Constable in Haryana Police. He seeks concession of pre-arrest bail in a case registered at the instance of Jai Bhagwan alleging that the petitioner along with his another colleague Vikas claiming themselves to be a member of special staff apprehended the son of complainant Manjeet Singh and threatened the complainant to pay a sum of Rs. 70,000/- otherwise his son would be involved in an offence under the Arms Act for keeping unlicensed pistol in his possession. When the complainant allegedly resisted the demand, a sum of Rs.50,000/- was demanded. On information having been received by Vigilance Department, a raid was conducted. Co-accused of the petitioner Vikas was apprehended with a sum of Rs.40,000/-.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and no recovery has been effected from him. The petitioner has, on the basis of police record and DDR entries, made an attempt to establish prima facie his alibi. He claims that on

the alleged date of occurrence i.e. 28.05.2015 date of demand and 29.05.2015 date of raid, his departure and arrival entries indicating that he had left the police station in the morning and had returned late in the evening, are recorded.

I have heard learned counsel for the petitioner and carefully gone through the facts and circumstances of the case.

So far as defence of the petitioner that he was not available in the police station on the dates of demand and recovery, it will be pre-mature to rely upon the entries as the petitioner himself is a Constable. The authenticity of the entries as defence documents cannot be considered at this stage especially when the petitioner has been specifically named.

It is not out of place to observe here that in rarest of rare cases, the citizens could gather courage to report the matter. In such circumstances, grant of pre-arrest bail to the petitioner will certainly have an adverse effect on the investigation and would certainly be a demoralizing factor for innocent citizens who are duped in the manner in which the petitioner along with his co-accused has taken steps to extort money, taking the advantage of uniform.

No ground is made out to grant pre-arrest bail to the petitioner.

Dismissed.

(M.M.S. BEDI)
JUDGE

September 22, 2015
harsha