

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-3640-2015

Date of decision : 04.02.2015

Bhupender Singh

... Petitioner

Versus

State of Haryana

... Respondent

***CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL***

Present: Mr.Bipan Ghai, Senior Advocate  
with Mr.Mandeep Kaushik, Advocate  
for the petitioner.

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**REKHA MITTAL, J.**

The petitioner prays for grant of pre-arrest bail in FIR No.34 dated 12.12.2014 registered in Police Station SVB, Hisar for offence punishable under Section 7/13 of the Prevention of Corruption Act 1988.

Counsel for the petitioner contends that bribe money of Rs.25,000/- was allegedly recovered from co-accused Sanjiv, a Clerk working in the office of Pollution Department, Jind. The statement made by co-accused Sanjiv indicting the petitioner in the crime is not admissible in evidence. The order in regard to opening seals of brick kiln of the complainant had been passed by the Head Office, Panchkula on 25.11.2014. On receipt of letter dated 25.11.2014, the petitioner marked the same on 01.12.2014 to Assistant Environmental Engineer, Pollution Central Board Jind for compliance. The Assistant Environmental Engineer marked it to Sanjiv Kumar, Clerk to send the orders to owner(s) of Brick Kiln. The petitioner had complied with orders of superior authorities and had no

reason / occasion to demand or ask Sanjiv Kumar to demand/accept bribe.

The petitioner was not present in his office on 11/12.12.2014 and had gone on tour to Head Office, Panchkula for official work. The petitioner is ready to join investigation and his custodial interrogation is not required.

I have heard counsel for the petitioner and perused the records but find no reason to allow equitable relief of bail in anticipation of arrest.

Vijender son of Ramesh Kumar, owner of M/s Bhola Brick Kiln Company at village Badsa, District Bhiwani made the complaint on the allegations that his brick kiln was sealed by Pollution Board, Jind in July/August 2014. He deposited fine of Rs.25,000/- on 11.09.2014, online. He visited office of Regional Pollution Officer, Jind a number of times. Regional Pollution Officer called Sanjiv and told him (complainant) to meet Sanjiv and his work would be done. Sanjiv told him to pay Rs.25000/- as bribe to pay money to Senior Officer(s). He went to Panchkula Pollution Board, Sector 6 and was told that order for opening seal of his brick kiln had been sent to Jind on 25.11.2014. He met Sanjiv Kumar in the Pollution Board office Jind who told him to bring Rs.25,000/- as money was to be paid to Regional Officer.

Keeping in view specific allegations raised by the complainant that Sanjiv was introduced to him by the petitioner, demand of illegal gratification by Sanjiv Kumar on the pretext of payment to the petitioner and the statement made by co-accused during custodial interrogation is sufficient, at this stage, to invite custodial interrogation of the petitioner for progress in investigation. I would hasten to add that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who has

protection under umbrella of order of interim bail. To unearth complicity of the petitioner in the crime, his custodial interrogation is necessary. I do not think it to be a fit case wherein the petitioner deserves bail in anticipation of arrest, a concession to be allowed by the Court in cases lodged due to political vendetta or for ulterior motives.

Dismissed.

**(REKHA MITTAL)**  
**JUDGE**

**February 04, 2015.**

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