

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-16409 of 2016

Date of Decision: September 19, 2016

Rambir

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Virat Amarnath, Advocate
for the petitioner.

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

Mr. B.S. Tewatia, Advocate
for the complainant.

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

This order may be read in continuation of the order dated May
25, 2016, which reads as follows:-

*“Petitioner is seeking concession of pre-arrest bail in
case FIR No.325 dated 28.10.2015, under Sections 13/7 of the
Prevention of Corruption Act, 1988, registered at Police
Station Hathin, District Palwal.*

*Briefly, it may be noticed that FIR came to be registered
on the complaint dated 07.10.2015 of Aaram Singh.*

Allegations in a nut-shell are that brother of the complainant, namely, Shyambir Singh was nominated as an accused in FIR No.401 dated 27.06.2015 and had been handed over to CIA, Police Station Hathin and the present petitioner was the In-charge/Investigating Officer of such Police Station. Precise accusation is that under threat and intimidation of Shyambir being implicated in other false cases and to be tortured, demand was raised and an amount of Rs.1 lac in cash was paid to the present petitioner on 10.07.2015, Rs.1.05 lac to Surender Singh, ASI, CIA Hathin on 14.07.2015 and Rs.5,000/- to ASI Abheypal on 15.07.2015.

During the course of arguments today, it has gone uncontroverted that an inquiry into the allegations was conducted by Deputy Superintendent of Police, Hathin, Sh. Sidharth Dhanda and in which the present petitioner was found innocent.

It would be pertinent to take note that in the complaint made by Aaram Singh, he had stated that he was in possession of a C.D. recording as regards the demand and entrustment of bribe money. In the report furnished by Deputy Superintendent of Police, Hathin, Sidharth Dhanda and while declaring the present petitioner to be innocent, findings have been returned that the C.D. recording has been viewed and there is no role of the present petitioner. On the other hand, Surender Singh ASI, CIA Staff, Hathin has been indicted and it has been recommended that action be taken against him.

Learned State counsel submits that the present petitioner is sought to be implicated on the basis of a disclosure statement recorded of Surender Singh, ASI, co-accused and who has accepted the version of the complainant with regard to bribe money having been paid to the present petitioner, namely, Rambir.

Learned senior counsel appearing for the petitioner has during the course of hearing furnished a copy of CRM No.M-36030 of 2015 i.e. a petition filed under Section 482 Cr.P.C. by the complainant-Aaram Singh in this Court. A copy of the same has also been furnished to the counsel appearing for the complainant and who does not dispute the contents thereof.

In such petition, which is duly supported by an affidavit, there is a variance as regards the amount and the date on which the bribe money was entrusted to the present petitioner.

In view of the contents, facts and circumstances noticed herein-above, the assertion made on behalf of the petitioner with regard to false implication cannot be said to be without merit.

List for further consideration on 24.08.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Pursuant to the interim orders, the petitioner has already joined investigation. The allegation against the petitioner of having demanded illegal gratification and received sum of Rs.1 lac on July 14, 2015 were inquired into by Sh.Sidharth Dhanda, DSP, Hathin and it was found that the allegations are not substantiated by sufficient evidence. The said fact has been mentioned in the reply filed by the State in CRM M-36030 of 2015 in a petition for direction titled Aaram Singh Vs. State of Haryana.

In view of the report, dual version has already cropped up. The enmity between the complainant side and the petitioner is also reflected from the circumstances apparent on file. The custodial interrogation in said circumstances will not be of much importance.

In view of the said circumstances, the petition is allowed. The interim order dated May 25, 2016 is hereby made absolute and it is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioner will join investigation as and when required by the police and that he will not tamper with the evidence or hamper the investigation in any manner. Nothing said in this order will effect the fair investigation which is stated to be still pending.

September 19, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.