

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

CRM-M-35387-2016

Date of Decision : 15.12.2016

Rakesh Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

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

Present: Mr. Karanvir Singh Khehar, Advocate,
for the petitioner.

Mr. G.S. Salwara, D.A.G., Haryana.

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

Though there are serious allegations of demand of a sum of Rs. 4,000/-, against the petitioner from the complainant, namely Surender Kumar, for registration of the sale deed, but in the raid conducted, he was not arrested on the spot accepting money, rather the tainted money was recovered from the co-accused, namely Mandeep. The allegation against the petitioner is that he was able to escape from the spot. The application of bail has been passed, *inter alia*, on the ground that the complainant has a recorded conversation, regarding the demand.

On asking of the Court, regarding the antecedents of the complainant, it has been informed that the complainant has lodged similar complaints in two more cases and that in all the cases, he is also an accused, on the allegations levelled by the petitioner against him.

On the existence of earlier rivalry between the complainant and the petitioner and their endeavour to trap each other, coupled with the fact that the petitioner has joined the investigation, interim order dated 24.10.2016, can be confirmed.

In view of the above, the petition is allowed. Interim order dated 24.10.2016, is hereby made absolute subject to the following conditions:

- 1) the petitioner will join the investigation as and when required by the police;
- 2) he will not tamper with the evidence or hamper the investigation in any manner;
- 3) he will make himself available as and when required by the police in accordance with law for voice sampling as demanded by the prosecution agency; and
- 4) he will not commit the similar offence,

of which he is accused of in the present
case, during pendency of the trial.

(M.M.S. BEDI)
JUDGE

December 15, 2016
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No