

CRM-M-35683-2016 (O&M)

Date of Decision : 03.11.2016

Baljeet Singh

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Lekhraj Sharma, Advocate
for the petitioner.

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

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

Petitioner apprehends arrest in a case registered at the instance of Mukesh Kumar alleging that he handed over a file for taking electricity connection for his furniture shop, to the petitioner who was worked as Junior Engineer in Electricity Department. Petitioner demanded a sum of Rs. 10,000/- from the complainant for approving his file for connection. On the complaint of the complainant, a raid was conducted. The petitioner had actually sent Satbir Singh, an Assistant Lineman to the shop of the complainant to receive the money, where he was apprehended.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He had filed the complaints as Annexure P-3 and P-4 to XEN, TS Division of Electricity Department Sirsa and SDO OP S/Division, Nathusari against Suresh, Junior Engineer and Jabbar Singh, Lineman requesting for taking suitable action against them. He has been involved in the case at the instance of Jabbar Singh, on his transfer from the present place of posting.

Learned State counsel has vehemently urged that the petitioner had demanded money on telephone regarding which the recording had been done by the complainant. Satbir, who was arrested from the spot has got his statement recorded indicting the petitioner.

With the assistance of learned State counsel and counsel for the petitioner, I have gone through the police record and the transcript of telephonic conversation. No doubt, petitioner was not arrested from the spot but *prima facie* it is a case indicative of the culpability of the petitioner.

Counsel for the petitioner submits that since the recovery has already been effected and only voice sample is required, the petitioner is ready to furnish the same.

I have considered the contentions of learned counsel for the petitioner and gone through the police file. There are serious allegations of demand of illegal gratification. The said demand was *prima facie* raised by the petitioner. The amount had been accepted by the petitioner through his co-accused.

The plea of the petitioner is that he has been implicated at the instance of his colleagues and that he had recently joined in the area where the FIR has been registered and that the petitioner is not in-charge as Junior Engineer and has got no authority to help the complainant. It has been argued that Junior Engineer, Sucha Ram was actually in-charge and he has also been writing letters against Junior Engineer, Suresh Kumar and other persons. The plea of the petitioner that he was not

in-charge at the time of conducting raid or he had got no authority to help the complainant, may be a debatable issue as contended by counsel for the petitioner but no extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner. All the pleas taken up by the petitioner may constitute a good ground for grant of regular bail.

In view of the aforesaid circumstances, this petition is dismissed. Interim order passed on 17.10.2016 is hereby vacated.

Nothing said in this order will prejudice the right of the petitioner to seek regular bail in accordance with law.

(M.M.S. BEDI)
JUDGE

03.11.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No