

PRITAM SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

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

Present: Mr.Aditya Sanghi, Advocate for the petitioner
Mr.Vikas Malik, DAG, Haryana

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

Petitioner is working as Head Constable. He seeks concession of pre-arrest bail in a case registered at the instance of Subhash Chander alleging that the petitioner had demanded Rs.5,000/- as bribe from the complainant by making telephone calls on the pretext of helping his brother who was released on bail. Allegation against the petitioner is that it was told to the complainant that in case he fails to pay the money, his brother will not be allowed to be released on bail.

After going through the police file, it transpires that case of prosecution is that a sum of Rs.5,000/- was not directly paid by the complainant to the petitioner but on the basis of telephonic conversation between Ram Parshad and the petitioner, a presumption is being arrived at regarding demand and receipt of money. As per the investigation conducted till date, it appears that it would be debatable if demand had been made to the petitioner through Ram Parshad. From the police record, it appears that Ram Parshad was reluctant to state that amount has been paid by him to the petitioner. No definite opinion can be given at this stage regarding culpability of the petitioner who is a Head Constable and the investigation is expected to be inclined in his favour.

On the basis of totality of above said circumstances, taking legal point of view, when the receipt of money pursuant to demand is debatable, the petitioner can be granted the concession of pre-arrest bail. Petitioner has joined investigation.

The petition is allowed. It is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer.

It will be appreciated if the investigation in the present case is conducted by Special Investigation Team to be constituted by the DGP, Haryana.

(M.M.S.BEDI)
JUDGE

February 1, 2016