

**Sr. No. 231
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-8899 of 2016 (O&M)

Date of Decision: 31.03.2016

Rishi Raj

..Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.S.Dhaliwal, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.1023 dated 29.12.2015, under Sections 223/224 of Indian Penal Code and Sections 7/13 of Prevention of Corruption Act, registered at Police Station City Jind, District Jind.

Counsel for the parties have been heard.

Petitioner is a sub-Inspector in the Haryana Police. FIR in question has been registered on the statement of constable Kuldeep Singh on the allegations that the present petitioner has facilitated the escape of an undertrial, namely, Sujan Singh accused in FIR No.452 dated 23.12.2015 under the NDPS Act at Police Station Sadar Jind.

Petitioner is sought to be implicated on the disclosure statement of one co-accused Kamal Singh who is stated to be the mediator and to have paid a sum of Rs.1 lac to the petitioner to ensure the escape of the undertrial.

During the course of arguments, learned State counsel has not been able to advert to any link evidence as per final challan documents as regards the recovery of Rs.1 lac to the escape of the under trial. The only evidence referred to is the confessional statement of the accused/petitioner himself.

That apart, learned counsel appearing for the petitioner has even adverted to the statements recorded by constable Kuldeep Singh i.e. the complainant that is one which led to the registration of FIR and other statement recorded subsequently under Section 161 Cr.P.C. and the same are clearly at variance with one another.

Under such circumstances, the issue as to whether offence under Sections 7/13 of the Prevention of Corruption Act is made out against the petitioner would be a moot question to be considered during the course of trial.

Petitioner has been in custody since 30.12.2015.

Investigation in the case is complete and even the challan stands presented. Court has been apprised that the trial is still at the initial stage. The same would take time to conclude.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jind.

Disposed of.

31.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE