

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

**Criminal Misc. No. M-10399-2018
Date of Decision: 12.07.2018**

Mohan Lal Kaushik

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Pawan Kumar, Sr. Advocate with
Mr. Rohit Kumar and
Mr. Shailender Mohan, Advocates
for the petitioner.

Mr. B.S. Virk, DAG, Haryana
for respondent(s)-State.

...

Inderjit Singh, J.

Petitioner-Mohan Lal Kaushik has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.214 dated 24.02.2017, registered at Police Station Hisar Civil Lines, under Section 120-B of Indian Penal Code and under Sections 7, 8, 10, 12, 13(1)(D) of the prevention of Corruption Act, 1998

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State, filed reply and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegations in the FIR, one Satish, P.A. of the present petitioner asked for bribe to be paid to the present petitioner when he was posted as Deputy Commissioner, Hisar.

It is also in the FIR that some tender was called for installing Gym in the schools when the present petitioner was the Director Secondary Education, Haryana, by Shiva Traders and Satish contacted Shiva Traders for bribe. It is also brought to my notice during arguments that co-accused Satish and Rakesh Gupta sole proprietor of Shiva Traders have already been granted anticipatory bail by the trial Court. In the present case, there is no allegation that any bribe has been demanded or paid directly by the present petitioner. Further more, it is argued that telephonic conversation was recorded in February, 2014 and the FIR was registered after 3 years.

In pursuance of the interim order dated 19.03.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing has been recovered from him. Therefore, no useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 19.03.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

12.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No