

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-25809-2018

Date of Decision: July 11, 2018

Arvind Kumar

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Birender Singh Rana, Sr. Advocate with
Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Sudhir Mittal, J. (Oral)

The petitioner-Arvind Kumar son of Ram Parsad seeks regular bail in case FIR No.82, dated 29.01.2018, registered at Police Station City Karnal, under sections 380, 384, 506, 34 IPC and section 7 of Prevention of Corruption Act, 1988.

2. According to the FIR the petitioner and another persons demanded a sum of Rs.20 lacs, from the complainant and other rice-millers.

3. Learned Senior counsel for the petitioner submits that although according to the contents of the FIR, the petitioner is named as one of the persons, who raised demand of Rs. 20 lacs, from the rice-millers of the area. Subsequently the complainant got statement recorded under section 164 Cr. P.C. and stated that the petitioner is only go in between the complainant and co-accused, for return of his documents allegedly taken by the said co-accused. The

demand for money was raised by the co-accused and not by the petitioner. Moreover, investigation is complete and the challan has already been presented and entire evidence of the case is in possession of the Police. Thus, no useful purpose would be served by keeping the petitioner in custody indefinitely.

4. Learned State counsel, however, submits that two other rice-millers of the area, have also got their statements recorded and they have implicated the petitioner as well, for demanding illegal gratification.

5. From the narration of facts, it is evident that no money has been passed between the complainant/other rice-millers and the petitioner and his co-accused. Thus, prime facie it appears that offence of extortion has not been committed. So far as section 7 of the Prevention of Corruption Act, 1988, is concerned, the maximum sentence provided thereunder is three years. Moreover, the investigation is complete and the evidence is already in possession of the Police and thus, the possibility of the petitioner trying to influence the witnesses, is very remote. The petitioner has already undergone custody of more than of two months and thus, I am of the opinion that the petitioner deserves to be released on regular bail.

6. Thus, the petition is allowed. Petitioner- Arvind Kumar son of Ram Parsad, is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned at Karnal.

July 11, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No