

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

CRM-M-37315-2017 (O&M)

Date of decision: 23.01.2018

Pawan Goyal

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. T.C. Dhanwal, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.0152, dated 25.03.2017, under Sections 384/389 IPC (Section 212 IPC added subsequently) and Section 7 of the Prevention of Corruption Act, registered at Police Station Pehowa, District Kurukshetra.

While issuing notice of motion, the following order was passed by this Court on 06.10.2017:

“Notice of motion, returnable for 22.11.2017.

The petitioner is directed to join the investigation and fully cooperate with the Investigation Officer/Arresting Officer. In the event of arrest, the petitioner shall be released on ad-interim anticipatory bail in FIR No.0152, dated 25.03.2017 registered under Sections 384, 389 IPC and subsequently added 212 IPC and Section 7 of the Prevention of Corruption Act, at Police Station Pehowa, District Kurukshetra (Haryana), on furnishing of his bail bonds amounting to Rs.10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer.”

FIR has been registered on the statement of Jeevan Parkash. Complainant asserted that he was sought to be falsely implicated in a rape/molestation case at the instance of one Laxmi Devi and the present petitioner had intervened and has taken a sum of Rs.5,50,000/- to be passed on to the concerned police officials so as to bail out the complainant in the molestation/rape charge.

Learned State counsel, who is on instructions from DSP Subhash Chander apprises the Court that the petitioner has since joined investigation.

It is further conceded that no corroborative evidence has come forth as regards the entrustment of Rs.5,50,000/- to the present petitioner by Jeevan Parkash apart from statements recorded of certain municipal counsellors and other respectables. The statements have been read out in Court. The statements do not indicate that the entrustment of money was made by the complainant to the petitioner in their presence.

Counsel for the petitioner would contend that statements recorded of the municipal counsellors and other respectables can only be construed as hearsay evidence.

In the peculiar facts and circumstances of the case, the petitioner having already joined investigation, his custodial interrogation would not be warranted.

Petition is allowed. Order dated 06.10.2017 passed by this Court is made absolute.

It is clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of anticipatory bail and would have no bearing on the merits of the case.

Disposed of.

23.01.2018

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |