

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46743 of 2018

.....

Date of decision:19.12.2018

Kanwal Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. J.S. Bedi, Senior Advocate with Mr. Sonpreet Singh Brar,
Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.124 dated 28.6.2017 registered for the offences under Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988 at Police Station Kosli, District Rewari.

Notice of motion has been issued in this case.

Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel appearing for the respondent-State and have gone through the record.

From the record, I find that in the present case the allegation against the present petitioner, who was posted as Tehisldar, is that a video was viral on social media in which he was asking for a bribe from unknown person.

Learned senior counsel for the petitioner argued that in the video, Bar President and one other person were seen present but both of them have given statements that no bribe was demanded by the present petitioner. The other person seen in the video was an Advocate, who had recorded the conversation on the mobile phone from which a CD was prepared, but that mobile phone has not been collected during the investigation and the source of the video i.e. that mobile phone is stated to have been lost somewhere. Learned senior counsel also argued that after one year of the video being viral, the FIR has been registered and there is no explanation for such a long delay. He also argued that the mobile phone, which was the main evidence, is not available with the prosecution.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 13.11.2018 passed by this Court 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.

December 19, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No