

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47293-2018

Date of Decision: 05.12.2018

Anoop Dalal

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gagan Pradeep Singh Bal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Anoop Dalal has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0538 dated 08.08.2018, registered at Police Station Sadar, Bahadurgarh, under Sections 13 and 7 of the Prevention of Corruption Act.

Notice of motion was issued.

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

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

As per the prosecution version, a video on whatsapp i.e. social media was circulated, in which one Traffic Police Constable stopped the canter whose driver after talking with him went to the the Swift car where he talked with the driver of the Swift car, which was standing near the police booth and thereafter, he came back to his canter. The person making the video was saying that the canter driver has given money to a person

sitting in Swift car and the aforesaid place is Badli Chowk.

Learned counsel for the petitioner states that the present petitioner was not in the Swift car. He has not been named in the FIR. He has been nominated on the basis of disclosure statement of the Constable, who has already been granted regular bail. The present petitioner is not a public servant and the car was also not owned by him, rather it is stated that the car was purchased by his relative.

In pursuance of the interim order dated 26.10.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. 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 26.10.2018, 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.

05.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No