

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

CRM-M-52040-2018 (O&M)

Date of decision : 5.12.2018

Dinesh Kumar @ Bobby

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 92 dated 05.04.2018, under Sections 120-B, 384, 406, 420 of the Indian Penal Code, 1860 and Sections 10/12/7/8/49-88 of Prevention of Corruption Act, 1988 (Section 13 of the Prevention of Corruption Act, 1988 added lateron), registered at Police Station Narwana City, District Jind (Annexure P-1).

Heard.

Learned counsel for the petitioner contends that due to clerical error age of the petitioner is mentioned as 22 years in memo of parties whereas the petitioner is actually 46 years of age.

Accordingly, age of the petitioner be read as 46 years instead of 22 years.

As per the version in the FIR, allegations against the petitioner are that police while intercepting the phone of one Suresh Kumar bearing number 9991344185 came to know about some corrupt practices whereby money was being extracted from the general public for securing government jobs. The phone was kept on surveillance with the permission of the appropriate authority.

It comes out that Suresh Kumar and the present petitioner had obtained Rs. 5.00 lacs per candidate for getting job. Rs. 4.00 lacs was allegedly given to one Puneet Saini and the job was secured. Petitioner was arrested on 9.9.2018 and since then is in custody.

Learned State counsel on instructions states that in this case supplementary challan against the petitioner has been presented in which an application for taking the voice samples of the petitioner is pending. The custody of the petitioner is required as the voice samples are yet to be taken.

On the other hand, learned counsel for the petitioner submits that petitioner is not willing to give voice samples as the same is hit by Article 20 (3) of the Constitution of India and the matter is already pending before the Larger Bench of the Supreme Court.

It being so, same plea is likely to be taken before the trial Court and is yet to be decided. However, even while the petitioner is on bail and the trial Court decides that the petitioner is required to give voice samples even then his samples can be taken and his custody has nothing to do with securing the voice samples.

In this case, challan has presented and no other case is stated to be pending against the petitioner. Since petitioner is in custody for the last

about three months and disposal of the trial will take long time, there is no ground for further detention of the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of the trial Court subject to following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

5.12.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No