

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

CRM No. M-7265 of 2017 (O&M)

Date of Decision: 07.03.2018

Rakesh Kumar

... Petitioner

Versus

Surender Kumar and another

... Respondents

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

Present:- Mr. K.S.Khehar, Advocate,
for the petitioner.

Mr. Shalender Mohan, Advocate,
for respondent No.1.

Mr. Ashish Yadav, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA, J.

Instant petition has been filed under Section 439 (2) of the Code of Criminal Procedure seeking cancellation of concession of bail granted to accused/respondent No.1 vide order dated 04.02.2017 (Annexure P-11) passed by the learned Additional Sessions Judge, Hisar in case FIR No. 759 dated 19.10.2016, under Sections 7, 13, 9, 10, 12 of the Prevention of Corruption Act, registered at Police Station City Hansi, District Hisar.

Counsel for the parties have been heard.

Briefly noticed that FIR came to be registered on the complaint of Rakesh Kumar/petitioner herein. Complainant asserted that he was employed as a Clerk in the Office of Deputy Commissioner, Hisar. On 08.09.2016, he visited Tehsil Pukhlana

for handing over the charge to another employee who had been deputed in his place. On that date respondent No.1 herein along with co-accused Umed Singh forced him to accept money to execute the sale deed. Complainant is stated to have flatly refused by saying that he already stood transferred. Later in the day at about 3 p.m. respondent No.1 and co-accused Umed Singh again visited the office whereupon Umed called upon respondent No.1 to put money in his pocket. Smelling foul play the petitioner fled away. It is asserted that a false case bearing FIR No.43 dated 08.09.2016 was lodged against him under Sections 7 and 13 of the Prevention of Corruption Act by State Vigilance Bureau. Complainant alleged that respondent No.1, as also Umed, Rajesh in collusion with Devi Lal Inspector of Vigilance have conspired to falsely implicate innocent employees with an oblique motive to blackmail them. They had earlier implicated Narender Kumar Kanungo, Barwala, Des Raj Police Inspector, Dharambir of Barwala and Rajesh Thakral in false cases.

Precise allegations against the accused/respondent No.1 are that on 18.10.2016 he had allegedly accepted a sum of Rs.2 lacs for getting the matter compromised and on the next day i.e. 19.10.2016 his alleged accomplice Umed was caught red handed while accepting the second installment of Rs.2 lacs.

Respondent No.1 was taken in judicial custody on 22.10.2016.

Bail application preferred by respondent No.1 was declined vide order dated 09.11.2016 (Annexure P-5) passed by

the Additional Sessions Judge, Hisar.

Concededly investigation having been completed, challan qua respondent No.1 was presented on 17.12.2016.

Against the backdrop of such changed circumstances respondent No.1 preferred a second bail application under Section 439 Cr.P.C. and which was accepted in terms of impugned order dated 04.02.2017 at Annexure P-11.

During the course of arguments, it is not the case made out on behalf of the complainant/present petitioner that the concession of bail granted vide impugned order dated 04.02.2017 (Annexure P-11) has been misused in any manner. It is not even the case of the complainant Rakesh Kumar that there has been any attempt made by accused/respondent No.1 to threaten or intimidate the witnesses and thereby to hamper the course of free and fair trial.

No case for cancellation of bail is made out.

Petition dismissed.

07.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No