

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

**CRM-M-25715-2019
Date of decision-04.06.2019**

Dhirender Singh @ Dheeraj

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.P.Singh, Advocate for the petitioner.

Mr. D.R.Singla, DAG, Haryana assisted by
Inspector Ramesh Kumar.

Mr. V.P.Sangwan, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.7 dated 16.04.2019 under Section 13 of Prevention of Corruption Act, 1988 and Sections 109, 120-B, 166, 166-A, 167, 193, 217, 218 and 384 of Indian Penal Code registered at Police Station SVB, Hisar, District Hisar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner contends that the complainant, namely, Vijay Kumar was accused in case FIR No.57 dated 27.12.2013 registered under Sections 7 and 13 of Prevention of Corruption Act, 1988 at Police Station Haryana Vigilance Bureau, Hisar. The said FIR was lodged by complainant (Pardeep) and Vijay Kumar had faced trial. It is

pointed out that Vijay Kumar was convicted vide judgment dated 29.11.2014 and after this, the present FIR No.7 dated 16.04.2019 by him has been lodged on the ground that the amount was allegedly received by petitioner by threatening him to involve him in a criminal case.

Mr. V.P.Sangwan, learned counsel for the complainant does not dispute that during the trial proceedings of FIR No.57, no such explanation was offered by Vijay Kumar under Section 313 Cr.P.C or otherwise as no evidence was led in that behalf. The alleged payment was made w.e.f. 06.05.2014 onwards.

Learned counsel for the petitioner contends that the said amount was paid by accused-Vijay Kumar to the complainant-Pardeep and according to him, the complainant had turned hostile while deposing before the Court in the said trial.

On the other hand, learned State counsel assisted by Inspector Ramesh Kumar does not dispute this fact that the complainant Pardeep did not support the prosecution case, in case FIR No.57 dated 27.12.2013 registered under Sections 7 and 13 of Prevention of Corruption Act, 1988 at Police Station Haryana Vigilance Bureau, Hisar.

This Court is of the considered opinion that in the given facts and circumstances of the case, custodial interrogation of the petitioner may not be justified.

In view of the above, it is ordered, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the

Arresting Officer. He shall join investigation as and when called for by the Investigating Officer. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

04.06.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No