

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

**CRM-M-26378-2019
Date of decision-24.09.2019**

Anil Kumar Kaushik **....Petitioner**
Vs.

State of Haryana **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Himanshu Arora, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
DSP Ved Parkash.

Mr. Vijay Kumar Sheoran, 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.1 dated 11.01.2019 under Sections 7 and 13 of Prevention of Corruption Act registered at Police Station Vigilance Bureau, Gurugram, Haryana. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.06.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioner contends that Man Singh had made a complaint against driver Sandeep, who had made the alleged demand of ₹25,000/- and acting upon the same, a trap was laid whereupon the said Sandeep was apprehended while accepting the said amount. It is contended that Sandeep was an outsourced employee of Sales

Tax Department and on his statement, the petitioner has been indicted, who is a Tax Inspector in the said Department. According to him, neither the petitioner was named nor there is any allegation regarding demand or acceptance on his part. It is pointed out that in the given facts, custodial interrogation of the petitioner may not be necessary.

Notice of motion for 24.09.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by DSP Ved Parkash does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from DSP Ved Parkash further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.06.2019 is made absolute.

24.09.2019

vanita

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No