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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26600-2019

Date of Decision : July 10, 2019

Satish Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Sarju Puri, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to petitioner, Satish Kumar in case bearing FIR No.08 dated 03.05.2019, under Section 7 of Prevention of Corruption (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, Mohali.

2. Allegations against the present petitioner are that complainant-Ram Murti had purchased one LIG Flat No.31 of Improvement Trust at Ropar in the name of his wife, Santosh Kumari and allotment letter had already been issued. Complainant wanted to sell the said flat and for that, he was to get sale deed executed in the name of his wife. In order to get the sale deed registered in the name of wife of the complainant, some official from the Improvement Trust was to appear before the Sub Registrar. Complainant had applied to the Improvement Trust in the month of

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February 2019, but even after expiry of two months, no action was taken. The complainant then contacted petitioner - Satish Kumar, Junior Engineer, who kept on avoiding the complainant for number of days. The complainant also met Satish Kumar in his office and at that time he raised a demand of bribe money for him and one clerk Parveen Kumar to the tune of Rs.15,000/-. The complainant made part payment of bribe money of Rs.6,000/- to petitioner-Satish Kumar and Parveen Kumar and he was to bring the remaining amount on 30.04.2019. On 30.04.2019, complainant paid Rs.1500/- to Parveen Kumar and he told him to pay the remaining amount of Rs.7500/- to Satish Kumar, Junior Engineer on 03.05.2019. Thereafter, the complainant contacted Vigilance Bureau and raid was conducted and bribe money of Rs.7500/- was recovered from the possession of co-accused Parveen Kumar.

3. Learned counsel for the petitioner contended that the petitioner had not raised any demand of bribe money. He was not to perform any duty in connection with which he was to demand bribe money. The alleged recovery of bribe money is not from the petitioner, rather from co-accused Parveen Kumar. So, the petitioner has been falsely implicated in this case. The petitioner is still ready to join the investigation.

4. Having considered the submissions made by learned counsel for the petitioner and appraisal of record of this case file, this Court is of the considered view that specific allegation of demand of bribe money of Rs.15,000/- is by petitioner-Satish Kumar and that is on the part of Satish Kumar, himself and co-accused Parveen Kumar. Subsequently part payment of bribe money was made to petitioner-Satish Kumar and co-accused Parveen Kumar and at the time of raid Rs.7500/- was recovered

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from the co-accused. As such, it is a case of demand of bribe money by the public servant and acceptance of bribe money by the petitioner as well, and the entire matter requires investigation.

No case is made out for grant of anticipatory bail to the petitioner. Resultantly, the present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

July 10, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes