

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

CRM-M-47306 of 2019

Date of decision: 29.11.2019

Satish Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. B.S. Saini, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.708 dated 17.09.2019 under Sections 384/34,120-B IPC and Section 13 (1)(d) of the Prevention of Corruption Act registered at P.S Civil Lines, Karnal.

The FIR was registered on the complaint made by one Atul Sharma, who is stated to be Senior Accountant in Lotus Group of Companies alleging that on 10.09.2019, the complainant had given an amount of Rs.24 lacs to his employee Rattan Gupta for payment to various contractors. However, he did not pay the said amount to the contractor at Yamuna Nagar and got a taxi from Yamuna Nagar for Delhi along with the said amount. When he reached near new bus stand, Karnal, two persons; one in police uniform and the another in civil dress, stopped his vehicle and on the vehicle being checked, a sum of Rs.24 lacs was found in the bag. The mobile phone of Rattan Gupta was taken by the person, who was wearing police uniform and disclosed his name as Joginder whereas another person snatched amount of Rs.15 lacs from Rattan Gupta. Thereafter, mobile phone was returned. On the matter being reported to the Company officials, they visited the police station, Civil Lines, Karnal where they met Joginder Singh, who pleaded them not to make any complaint and in the evening the amount of Rs.15 lacs was returned to the complainant and Rattan Gupta. In consultation with the officers of the Company, the complainant lodged the present complaint against the police officials for the alleged crime being committed.

Learned counsel for the petitioner contends that the petitioner was posted in CID and was PSO with Member of Parliament from Kurukshetra. He is not named in the FIR and that the only allegation against him is that he had informed telephonically accused Vikram that Rattan Gupta was carrying unaccounted money with him. No other case is pending against him.

Learned State counsel has opposed the prayer stating that in view of gravity of offence, the petitioner does not deserve the leniency in the matter.

Without commenting anything on the merits of the case and also bearing in mind the fact that the petitioner is in custody since 21.09.2019 and is not wanted in any other case, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Satish Kumar is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

This present petition stands accepted accordingly.

November 29, 2019
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No