

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

**CRM-M No.51630 of 2019
Decided on: 11.12.2019**

Sabbir Ahmed

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satish Chaudhary, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.09 dated 22.08.2019 under Section 7 of the Prevention of Corruption Act, 1988 (in short 'the P.C. Act') registered at Police Station State Vigilance Bureau Gurugram, District Gurugram.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant – Sirajuddin is holding a 315 bore rifle licence, which was valid upto 28.07.2018 and when he approached the petitioner, who was working as a Licence Clerk, he demanded Rs.5,000/- and while giving an amount of Rs.2,000/- by the complainant, the petitioner was apprehended by the police.

Counsel for the petitioner has further argued that as per the directions issued by the Deputy Commissioner/District Magistrate, an application for renewal of the licence is to be given 02 months before the expiry of the last date and in case of delayed application, the late fees of Rs.2,000/- has to be deposited and the petitioner has informed the complainant about the delay in filing the application and that is why

Rs.2,000/- was required to be deposited along with an application and when the complainant came to deposit the same, the petitioner was apprehended.

Counsel for the petitioner has also submitted that it will be a debatable issue to be decided during the course of trial as to whether the complainant was required to deposit the amount of Rs.2,000/- on account of late fees and since the investigation is complete and the challan stands presented, thus, the petitioner is no more required for further investigation.

Counsel for the State, on instructions from Inspector Narinder Kumar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 22.08.2019; no recovery is to be effected from the petitioner; the custodial interrogation of the petitioner is no more required and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

11.12.2019	(ARVIND SINGH SANGWAN)
<i>yakub</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No