

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

CRM-M-3555-2020

Date of decision:-17.8.2020

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vinod Ghai, Senior Advocate with
Ms.Kanika Ahuja, Advocate
for the petitioner.

Mr.Surender Singh, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Sandeep Kumar, aged about 36 years, an accused in FIR No.17 dated 14.11.2019 for the offences under Sections 7, 7-A, 8, 13, 49 of Prevention of Corruption Act, 1988 and under Sections 389, 120-B IPC, registered at Police Station SVB Hisar, District Hisar.

In nutshell, the facts of the case as per the prosecution version are that, F.I.R. was registered against the present petitioner Sandeep Kumar, Head Constable and others for demanding bribe.

The complainant Rajeev alias Raju son of Randhir, Caste Jat,

resident of Village Rojkhera, District Jind had submitted a written complaint to State Vigilance Department, Fatehabad wherein he contended that an F.I.R. No. 187 dated 4.8.2019 under Sections 22-C, 27-A of NDPS Act was registered at Police Station Sadar against one Darshan Singh, resident of village Amani and he was arrested in that case. On 6.8.2019, a police party headed by ASI Harpal had brought Darshan Singh to the house of the complainant but he was not present there at that time. At asking of ASI Harpal Singh, father of complainant namely Randhir had spoken to the former on mobile phone and he told him that he should speak to Sandeep, Head Constable by giving his mobile number. Father of complainant then spoke to Sandeep on mobile phone who came to their house and stated that he would resolve the matter and subsequently demanded Rs.10 lacs for resolving the case of the complainant. Complainant expressed inability to pay that amount and then he settled for Rs.7 lacs. He received 1.5 lac from complainant on 25.8.2019 which he gave to ASI Harpal and Computer Operator present there. However, subsequently complainant was arrested in this case. According to the complainant HC Sandeep had got transferred Rs.49,000/- from bank account of brother-in-law namely Krishan from his own account. The petitioner working as Head Constable in Gurugram Police further demanded Rs.5 lacs threatening that if payment was not made then he would get the bail of complainant cancelled and would involve him in other cases. The entire conversation was recorded by the complainant, who reported the matter to the police.

A formal F.I.R. was registered. A trap was laid and the

accused was caught red handed accepting bribe of Rs.50,000/- from the complainant on 14.11.2019. He was arrested in this case. He had moved an application for grant of regular bail before the Court of Sessions at Fatehabad, which was dismissed on 18.12.2019. He again tried his luck before that very Court by moving second application for regular bail which was also dismissed by Additional Sessions Judge, Fatehabad vide order dated 17.1.2020. As such, the petitioner has knocked at the door of this Court for grant of similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Vide last order dated 7.7.2020, the State counsel was asked to file detailed reply to the present petition informing about stage of trial intimating as to how many PWs have been examined and how many PWs remains to be examined. The copies of statements of the PWs recorded so far were also ordered to be placed on record.

Written reply has been filed on behalf of State in form of affidavit of Deputy Superintendent of Police, State Vigilance Bureau(H), Hisar. It has been mentioned therein that the case is fixed for consideration on the point of framing of charge and no prosecution witness has been examined till date.

Learned Senior counsel for the petitioner has argued that the petitioner is in custody for the last more than one year. The trial is at the initial stage and keeping in view the number of witnesses and nature of

case as well as COVID-19 Pandemic, considerable time is likely to be taken for conclusion of trial, therefore the petitioner be released on bail, subject to any term or condition, which is found proper and appropriate by this Court.

Learned State counsel has opposed the request.

After considering the facts and circumstances of the case, submissions made by learned Senior counsel for the petitioner and learned State counsel and further considering the fact that the petitioner is behind bars for a period of more than one year and the conclusion of trial may take considerable time, without stating anything on the merits of the case, I find it proper and appropriate to grant regular bail to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

17.8.2020

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No