

214

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

**CRM-M No.4751 of 2020(O&M)
Date of Decision: 04.03.2020**

Shamsher Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.28 dated 08.01.2020 registered under Sections 13 and 7 of the Prevention of Corruption Act at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner contends that the son of the complainant was hospitalized on account of receiving injuries on 29.10.2019. The then Investigating Officer i.e. S.I Naresh Kumar visited the hospital on two occasions. He did not lodge any FIR because the injured was not declared fit to make the statement. Thereafter, the investigation of the case was entrusted to the petitioner on 01.11.2019. On the basis of injuries on the person of the injured Kapil @ Raja, the petitioner

lodged the FIR for the offences under Sections 323, 506, 34 IPC. Thereafter, on receipt of X-ray report, offence under Section 325 IPC was added. The petitioner was arrested on 04.11.2019. Subsequently, on the basis of opinion of the doctor, offence under Section 307 IPC was added.

The alleged payment of Rs.10,000/- to the petitioner has not been witnessed by any witness except a bald statement of the complainant. The complicity of the petitioner viz-a-viz the receipt of amount of bribe and alleged in-action would be subject to quality of material to be received/collected by the prosecuting agency. Petitioner is serving as ESI on promotion which has been awarded to the petitioner on 16.12.2019 on account of his meritorious service.

Learned State counsel on instructions from ASI Udham Singh however, opposed the prayer on the ground that the investigation is still pending.

Taking into consideration the totality of facts and circumstances of the case, at this stage, without meaning anything on merits of the case, petitioner is directed to appear before the SHO/Investigating Officer to join the investigation on 12.03.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following

conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

04.03.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No