

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

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**Date of decision: 08.06.2021
CRM-M-20019-2021 (O&M)**

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-20037-2021 (O&M)

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-21016-2021 (O&M)

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Sandeep Kumar, Advocate
for the petitioner (CRM-M-21016-2021).

Mr. Aditya Sanghi, Advocate
for the petitioner (CRM-M-20037-2021).

Mr. Shashikant Gupta, Advocate
for the petitioner (CRM-M-20019-2021).

Mr. Ankur Mittal, Addl. AG, Haryana.

ANIL KSHETARPAL, J. (Oral)

account of restricted functioning of the Courts.

By this order, three bail applications shall stand disposed of.

The petitioners pray for bail pending trial in a criminal case arising from FIR No.34, dated 15.02.2021, registered under Section 120-B IPC and Section 13(1)/7A of The Prevention of Corruption Act, 1988, at Police Station Sadar Narnaul, District Mahendergarh.

The case of the prosecution has been noticed by a Coordinate Bench in an order dated 28.04.2021 passed in CRM-M-16771-2021, which is extracted as under:-

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.34 dated 15.02.2021 at Police Station Sadar, Narnaul under Sections 120-B of the IPC and Section 13(1)/7A of Prevention of Corruption Act, 1988, wherein it is alleged by the complainant that he is having 19 trucks and supplies brick bats etc. through his trucks. On 05.02.2021, at about 09.00 p.m., one of his trucks was intercepted by some persons, who represented that they are from mining department. Upon weighment of the truck, the same was found to be overweight to the tune of 2 M.T. 3 Qtl. than the permissible weight. The driver of the truck made the complainant talk to the persons, who were representing themselves to the mining officials. The complainant contacted one Abhey working in the office of RTA, Narnaul who was known to the complainant and requested him to get his vehicle released. Abhay sent a mobile number through whatsapp to the complainant asking the complainant to contact the said person. When the complainant contacted the said person on his mobile phone, the said person disclosed himself to be Mukesh Saini. Later, the complainant received a telephonic call from the driver that truck in question has been released. Consequently, when the complainant made a call to Mukesh Saini thanking him for getting the truck released and asked him about the fee for getting the same released, Mukesh Saini stated that the complainant was required to give "1.5 kg.". The complainant requested that

some reasonable amount be settled, but Mukesh Saini disconnected the phone. There were several other conversations between Mukesh and the complainant but Mukesh stuck to his demand of 1.5 kg (which according to the counsel for the petitioner, is the code word for Rs. 1.5 lakhs) On Sunday, i.e. 07.02.2021, the complainant received a telephonic call from Mahesh, proprietor, who stated that Mukesh and Abhay were coming to the crusher for collecting money. The complainant was however not present at the crusher. However, CCTV footage shows the arrival of Mukesh and Abhay at the crusher. Subsequently, there was no conversation over the telephone between the complainant and Mukesh. The complainant offered to pay an amount of Rs.50,000/- and to pay the balance amount in 1/2 days. Upon which, Mukesh asked him to pay the said amount to Abhay. The complainant asked Abhay as to whether he should pay the amount to Bhoop to which Abhay agreed. However, the complainant did not wish to pay the amount and, accordingly, made a complaint to the Vigilance Bureau.

Learned counsel for the petitioners contends that Abhay Singh has been granted the concession of regular bail vide an order dated 28.04.2021. They further contend that on completion of the investigation, the police report has already been filed and all the petitioners have already suffered incarceration for a period of more than three months.

On the other hand, Mr. Ankur Mittal, Addl. AG, Haryana, has pointed out that the petitioner-Ashok Kumar in CRM-M-20019-2021 is involved in four more cases and the petitioner-Mukesh is involved in two more cases.

Be that as it may. The investigation has already been completed. The trial of the case is yet to start. The conclusion thereof is likely to take time. It is not disputed that the petitioners (both incidently Ashok Kumar)

are entitled to bail on parity.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioners are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate, concerned.

Accordingly, the petitions are allowed with the aforesaid directions.

All the pending miscellaneous applications are also disposed of.

08.06.2021

(ANIL KSHETARPAL)
JUDGE

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No