

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

CRM-M-24027-2021

DECIDED ON: 19th JULY, 2021

Bodhraj Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vikas Singh, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

Ms. Mehak Sawhney, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is for grant of pre-arrest bail in case of FIR No. 227 dated 14.6.2021, under Section 384 IPC and Section 7 of Prevention of Corruption Act, 1988, registered at Police Station Ambala Cantt.. District Ambala.

The FIR was registered on the complaint of Onkar Nath Paruthi. The allegations are that the petitioner while dealing with an application for mutation, demanded Rs.2,00,000/- for sanctioning the mutation. Mutation was sanctioned after payment of Rs.1,00,000/- but Naib Tehsildar demanded Rs. 5,00,000/- more, threatening that otherwise mutation will be cancelled.

Learned counsel for the petitioner submits that there are contradictions in the contents of the FIR and affidavit. As per the contents of the FIR, the payment of Rs.1,00,000/- was made on 5.4.2021 whereas as per the affidavit, amount was paid in May 2021. He submits that the mutation was entered on 12.4.2021 and hence, it is a case of false implication. He further submits that the petitioner proceeded on leave on 1.6.2021 and retired on 30.6.2021.

Learned State counsel opposes the prayer for pre-arrest bail so does the counsel for complainant.

Learned State counsel argues that apart from the averments of the complainant with regard to demand and payment of amount, there are call recordings to support the case of the prosecution. The contention is that the complainant had met the petitioner on Sunday in office of petitioner to which the Chowikdar of the office was witness.

Learned counsel for the complainant submits that initial demand was made in April 2021 but actual payment was made in May 2021. To support the payment, there is reliance on withdrawal made from bank. She further submits that from the phone call recording it is forth coming that the petitioner was calling the complainant on the pretext of getting publication done.

Apart from the specific allegations, there are phone call recording. The case of the complainant that he made payment is being substantiated by the withdrawal of the amount from the bank. There is no reason forthcoming for false implication of the petitioner by the

complainant. The argument put forth regarding contradiction in the contents of affidavit and FIR though to some extent explained by counsel for complainant, would be subject matter of investigation. It is a case under Prevention of Corruption Act, where Naib Tehsildar in a planned manner is alleged to have extracted money from the complainant for sanctioning of the mutation. In such cases custodial interrogation is necessary to have deeper probe of the matter.

Considering the gravity of the allegations, no case is made out for grant of anticipatory bail.

Dismissed.

However, it is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19th JULY, 2021

reema

**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>