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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.42199 of 2020 (O&M)

Date of decision: 05.04.2021

ASI Baljeet

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kamal Mor, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Vivek Khatri, Advocate
for the complainant.

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.151 dated 26.11.2019, for offence punishable under Sections 384 of the Indian Penal Code, 1860 (in short 'IPC') and 7 of the Prevention of Corruption Act, registered at Police Station Mohana, District Sonapat.

Counsel for the petitioner has submitted that as per the allegations in the FIR, a complaint was given by Rajbala wife of Jagdish Malik for taking action against the petitioner ASI Baljeet Singh, SHO Sandeep Kumar, HC Satpal Singh for grabbing an amount of Rs.3.50 lacs of the complainant. It is stated in the complaint that on 18.08.2019, an incident has taken place in which the police arrested 04 persons and the accused in the present case were enquiring about the

CASE HEARD THROUGH VIDEO CONFERENCING

name of the son of the petitioner i.e. Virender and had taken her husband Jagdish Malik. On the next day, her husband was released on the pretext that he should produce Virender. In that pretext, the police officials have taken the aforesaid amount.

Counsel for the petitioner has further submitted that the petitioner is in custody since 01.09.2020 and has a long service record and there is no such or similar complaint against the petitioner. It is further argued that in fact the sons of the complainant namely Virender and Ravinder are involved in number of cases as detailed in para 7 of the petition. It is also submitted that Virender is involved in as many as 07 FIRs including an FIR registered under Sections 420/307/392/365/397/379-B IPC and similarly, Ravinder is also involved in 05 FIRs of similar nature.

Counsel for the petitioner has also argued that since the sons of the complainant are habitual offenders, the allegations against the petitioner of demanding money are with a pre-meditated motive to create a defence in the FIR where Virender is an accused.

Counsel for the petitioner has also submitted that since the investigation is complete, challan stands presented and the petitioner is no more required for further investigation and he may be granted the concession of bail.

Reply by way of affidavit of the Additional Superintendent of Police, Gohana, Sonapat is on record and as per the reply, the CD, which was produced by the complainant regarding the call details was sent to FSL and the report is still awaited and the same will be submitted along with the supplementary challan.

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However, it is not disputed that challan qua the petitioner stands presented and he is in long custody for the last about 07 months.

Counsel for the State on the basis of the Custody Certificate 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 for the last about 07 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, 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.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No