

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

CRM-M-51558 of 2021

Date of decision: 10.12.2021

Anil Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 9 dated 24.9.2021, under Sections 7, 13 (1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station, SVB Ambala.

The brief facts are that on 24.9.2021, a complaint was made by Kanwaljeet Singh in the office of State Vigilance Bureau, Ambala alleging that Jaipal, Assistant Foreman of UHBVNL along with two other persons came to his workshop, removed the electricity meter and installed a new meter. The allegations are that Jaipal made a telephonic call from the mobile number mentioned in the complaint, informing the complainant that the meter was sent for checking. It was found faulty and there would be approximately fine of Rs.1,00,000/- to Rs.1,50,000/-. He demanded the amount of Rs.20,000/-. The deal was struck for Rs.10,000/- and Rs.5,000/- was paid on 20.9.2021, the transaction was recorded. Thereafter, repeated calls were made by Jaipal for paying the balance amount. At this stage, the complaint was made to the Vigilance Department. A trap was laid, Jaipal

was contacted for payment of the balance amount. He stated that he was not operating any bank account so remaining amount be handed over to his colleague Anil Kumar (petitioner). The amount was paid on the app 'PhonePe' to Anil Kumar. It revealed that the petitioner had kept with him Rs.2,000/- out of Rs.5,000/- received.

Learned counsel for the petitioner submits that the petitioner was not the member of the party which conducted checking at workshop of the complainant. He was travelling along with the main accused-Jaipal for a religious visit to Kashi Vishwanath. He relies upon the photograph and hotel booking to show that four persons including the petitioner and Jaipal were travelling together and staying in the same hotel. He further relies upon the affidavits of other two persons who were allegedly travelling along with him.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. She submits that the Jaipal was contacted for payment of the balance amount and it was on his asking that the amount was deposited by way of 'PhonePe' in the account of the petitioner. She further submits that reliance on the affidavits annexed with the petition is an indicator that the petitioner is already influencing the investigation.

It would not be appropriate for this Court at this stage to go into the veracity of the defence raised by the petitioner. He will get full opportunity during the investigation and the trial. It is not disputed that the amount was paid through the app 'PhonePe' in the account of the petitioner. There is recording relied upon by the complainant. It is a case where deeper probe is required.

No case is made out for grant of pre-arrest bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

10th December, 2021

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |