

**103+205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-1459-2020 (O&M)
Date of Decision: 14.3.2022

Anil Kumar

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Rajender Singh Malik, Advocate, for the petitioner.
Mr. B.S. Virk, Deputy Advocate General, Haryana.
Mr. Anil Dutt, Advocate, for respondent No.2.

Rajesh Bhardwaj, J.

CRM-9401-2022

Annexures P-4 and P-5 are taken on record.

Application stands allowed.

Main case

The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.95, dated 10.12.2019 registered under Sections 354-D and 384 IPC and Sections 7 and 13 of the P.C. Act, 1988 at Police Station Mansa Devi Complex, Panchkula.

As per the facts of the case, the present FIR was lodged by the complainant Pankaj Sharma, wherein, allegations were made against the police officials, namely, Ravi Kant Sharma, SHO Police Station Mansa Devi, Panchkula and HGH Jashan Lal, Police Station Mansa Devi, Panchkula for taking bribe and teasing, for sending vulgar messages and also for blackmailing. The sum and substance in the FIR is that the complainant is running a Salon and the accused were taking bribe of

Rs.10,000/- per month from the salon. In support of the same, alleged video footage of the accused counting money was also produced. The co-accused were also alleged to have given threatening and said the manager of the saloon to develop physical relations with them. On the basis of these allegations, FIR was lodged. During the investigation, the name of the petitioner Anil Kumar has also come in the disclosure statement of the co-accused Jashan Lal. The petitioner approached the Court of learned Additional Sessions Judge, Panchkula for grant of bail, who after hearing the parties, declined the same vide order dated 25.12.2019. Aggrieved by the same, the petitioner has approached this Court for grant of anticipatory bail. Vide order dated 15.1.2020, the petitioner was granted interim bail. The State was directed to file status report by way of affidavit of ACP Mukesh Jakhar, Head of SIT.

Learned counsel for the petitioner submits that the petitioner has joined the investigation in pursuance to the order dated 15.1.2020. He submits that except the statement of the co-accused, there are no other evidence against the petitioner and he has been falsely implicated in this case. He further submits that the petitioner was issued show cause notice on 10.8.2020 and he challenged the same by way of filing CWP-12625-2020, wherein, operation of the impugned order was stayed by this Court vide order dated 8.9.2020. He further submits that during the enquiry statement of the co-accused Jashan Lal was recorded wherein he submitted that the allegations against the petitioner are baseless. He submits that in view of the overwhelmingly evidence, the petitioner is innocent and the interim order dated 15.1.2020 deserves to be confirmed.

Learned State counsel has opposed the submissions made by

learned counsel for the petitioner and submitted that the State has already filed the status report regarding detailed investigation and complicity of the petitioner is writ large. He submits that SIT was constituted and during the interrogation the petitioner has not cooperated in the investigation as he was protected by the interim order dated 15.1.2020. It has further been submitted that the mobile phone of the petitioner is also to be recovered. There are serious allegations against the petitioner during Mata Mansa Devi, Navratri Mela, where he collected Rs.15,000/- from the contractor of a Cycle Stand and the petitioner has also taken bribe money from the Saloons situated in Swastik Vihar MDC. He submits that for the free and fair investigation, the custodial interrogation of the petitioner is required.

Heard.

It is true that the name of the petitioner was not mentioned in the FIR, however, during the investigation his name has cropped up in the disclosure statement of the co-accused. Statement of the victim girl was recorded under Section 164 Cr.P.C. and no allegation was made against the petitioner. However, after handing over the investigation to the senior officials, the victim has stated that she made her statement under Section 164 Cr.P.C under pressure. Besides this the learned Additional Sessions Judge has appreciated the material collected by the Investigating Agency, which *prima facie* shows that the petitioner contacted the complainant about 14 times on 10.12.2019 including the intervening nights. Besides this there is conversation of the petitioner with the complainant for 15 times. The petitioner also contacted the victim girl 28 times. The material collected so far shows the conduct of the petitioner not free from doubts. For the veracity of the allegations, a thorough and fair investigating is must as held by the

Hon'ble Supreme Court in State (represented by CBI) Vs. Anil Sharma,
(1997) 7 SCC 187.

In the overall facts and circumstances of the case, this Court finds that the petitioner does not qualify for grant of anticipatory bail in this case. The petition being devoid of any merit is hereby dismissed.

14.3.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No