

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

CRM-M-20858-2021 (O&M)

Date of Decision: 6th January, 2022

Mohit Garg

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.

Mr. Jimmy Singla, Advocate for the complainant.

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. 12, dated 29.04.2021, under Section 7 of Prevention of Corruption Act (Amendment Act), 2018 and Section 120-B of IPC, registered at Police Station Vigilance Bureau, Patiala, District Patiala.

On 1st Septmber, 2021 following order was passed:-

“ 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 case of FIR No. 12 dated 29.4.2021, under Section 7 of the Prevention of Corruption Act, (Amendment Act) 2018 and Section 120-B IPC, registered at Police Station Vigilance Bureau, Patiala, District Patiala.

The brief facts are that there were allegations that officials of P.S.P.C.L. were demanding illegal gratification for clearing the files for solar plant installation.

The conversation was recorded by the complainant. Acting on the complaint by laying trap Ishan Bansal, J.E., P.S.P.C.L. was arrested.

Learned Senior counsel for the petitioner submits that the petitioner was not present at the spot, Ishan Bansal, J.E., accepted the money and was caught on the spot. There is no direct evidence against the petitioner for demanding the money from the complainant. Learned counsel further submits that the petitioner volunteer to give his voice sample.

Learned State counsel submits that there are audio and video recording. The voice sample of the petitioner would be required for comparison with the recording. She further submits that there is statement of Ishan Bansal, J.E. that the share of the amount collected was to go to the petitioner.

The petitioner was not present at the time when the trap was laid. The audio and video recording of the alleged incident is with the Investigating agency. The petitioner is volunteering to give his voice sample.

The petitioner is granted interim bail subject to his joining investigation within one week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join investigation as and when called for. He shall be bound by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 16.9.2021.”

On the last date of hearing, learned State counsel submitted that petitioner has joined the investigation but refused to give voice sample.

Learned senior counsel for the petitioner submits that petitioner has moved an application and volunteers to give his voice sample.

In view of the statement made by learned State counsel that no custodial interrogation is needed in case he is ready to give voice sample, the interim bail granted on 1st September, 2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

6th January, 2022

<i>Parveen Sharma</i>	Whether speaking/ reasoned	:	Yes /No
	Whether reportable	:	Yes /No