

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

CRM-M-19360 of 2022 (O&M)

DECIDED ON: 3rd August, 2022

Sunil Kumar

....PETITIONER

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. R.S. Dhull, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking regular bail in case of FIR No. 11 dated 17.12.2021, under Sections 7, 7-A, 12, 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 and under Section 120-B of the Indian Penal Code, 1860, registered at Police Station State Vigilance Bureau, District Ambala.

Learned counsel for the petitioner claims parity with co-accused Karanvir Singh who was granted regular bail by this court on 12.5.2022.

On 12.5.2022, this court passed the following order:

"This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 11 dated 17.12.2021, under Sections 7, 7A, 12, 13(1) (b) read with Section 13(2) of Prevention of Corruption Act, 1988 and Section 180 and 120-B IPC, registered at Police Station State Vigilance Bureau, Ambala, District Ambala.

The bird eye view of the case set up is that District Transport Officer (for short, 'DTO'), Ambala proceeded on leave from 24.9.2021 to 24.11.2021. The then DTO, Panchkula-Amrender Singh was given additional charge of the office of DTO, Ambala. On a complaint received, a trap was laid on 17.12.2021, one Gurpreet Singh, owner of Vohra Trading Company, was caught red-handed while accepting Rs.12,000/-. He along with his partner made a disclosure statement naming Karanvir (petitioner), a driver on contractual basis at Ambala

in RTA Department. Petitioner disclosed that the money was to be paid to Jaspal who had to pay it to DTO and Inspector. Jaspal Singh was made to join the investigation. An application was filed for declaring him approver. After filing the application, his statement under Section 164 Cr.P.C. was recorded in which he named Amrender Singh and Ajay Saini. The application for approver was withdrawn on 17.1.2022 to file a fresh one.

Learned Counsel appearing for the petitioner argues that the petitioner has been named in disclosure statement. No recovery was made from the petitioner. The contention is that the petitioner is in custody since 17.12.2021, investigation is complete, co-accused Ajay Saini and Jaspal have already been granted anticipatory bail by this Court and co-accused Amrinder Singh was granted regular bail by this Court.

Learned State counsel opposes the prayer and submits that the allegations are serious. Petitioner was specifically named by co-accused.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

The petitioner was named in a disclosure statement, no recovery was made from him, though investigation is complete, conclusion of trial is likely to take time, petitioner was not the regular employee of the Department, co-accused were granted bail, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

Since the main case has been decided, the pending application, if any is rendered infructuous."

Learned State counsel opposes the prayer for bail but on instruction is not able to distinguish parity of petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

Since the main case has been decided, the pending application, if any is rendered infructuous.

3rd August, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>