

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

CRM-M-22051-2022

Date of Decision: 31st August, 2022

Bijender Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. B.S. Rana, Senior Advocate with
Mr. Nayandeep Rana, Advocate for the petitioner.
Ms. Geeta Shrama, DAG, Haryana.
Mr. Vikas Bishnoi, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in case FIR No. 5, dated 29th June, 2021, under Sections 384, 389 of Indian Penal Code, 1860 and Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station SVB Hisar, District Hisar.

2. Brief facts are that Dharampal made a complaint alleging that one Dheeraj Kumar @ Dheeru used to purchase milk from him. He was involved in a case of cheating and was behind the bars. The employee of Dheeraj Kumar informed Dharampal that he was called by Petitioner-Bijender kumar Sub Inspector, Crime Branch, Hisar, with regard to the case of Dheeraj Kumar. The complainant along with Rajinder Singh and Vijay Kumar went to the Crime Branch office and met with the petitioner. Complainant was asked to pay Rs.2,00,000/- for not nominating him in the case of Dheeraj Kumar. The deal was struck for Rs.1,00,000/-. On a complaint, trap was laid. Petitioner was apprehended red handed accepting Rs.40,000/-.

3. Learned Senior counsel for the petitioner submits that petitioner is in custody since 29th June, 2021, investigation is complete, complainant has been examined and petitioner has given his voice sample. No further recovery is to be made.

4. Learned State counsel on instructions opposes the prayer for grant of regular bail and submits that voice of the petitioner matched with the audio recording. Petitioner was caught red handed.

5. Though complainant has not been impleaded as party but Mr. Vikas Bishnoi, Advocate puts in appearance on behalf of the complainant and opposes the prayer for regular bail.

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

7. Petitioner is in custody since 29th June, 2021, no recovery is to be made from him and complainant has been examined. Petitioner has no criminal antecedents, being a police official *prima facie* there is no chance of absconding, conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

31st August, 2022
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No