

CRM-M-26862 of 2022 and connected matter

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

Date of Decision: 23rd November, 2022

(1) CRM-M-26862 of 2022

Sumitra Godara

Petitioner

Versus

State of Haryana

Respondent

(2) CRM-M-32727 of 2022

Roshan Lal

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Edward A. George, Advocate for petitioner-Sumitra
Godara in CRM-M-26862 of 2022.

Mr. R. S. Cheema, Senior Advocate with Ms. Sumanjit Kaur,
Advocate for petitioner-Roshan Lal in CRM-M-32727 of 2022.

AVNEESH JHINGAN, J (Oral):

These two petitions under Section 439 Cr.P.C. are filed seeking regular bail in FIR No. 10 dated 9.5.2022, under Section 7 of the Prevention of Corruption Act, 1988 (for short, 'the Act') (Sections 7A and 13 of the Act and offence under Sections 120-B and 180 IPC added later on) registered at Police Station State Vigilance Bureau, Gurgaon.

The relevant facts are that a complaint was received from Mohit Lohan. He alleged that he was running a firm at Hissar. He wanted

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registration under the Goods and Service Tax Act, 2017 at Faridabad. He had filed an on-line application on 4.4.2022 for registration. As per the allegations, illegal gratification was demanded by petitioner-Roshan Lal, posted as Excise and Taxation Officer for allowing the application. He asked the complainant to meet petitioner-Sumitra Godara posted as Inspector Excise at Gurgaon (hereinafter referred to as 'the Inspector'). Demand of Rs.7,00,000/- was made by the Inspector. On the complaint, trap was laid, the Inspector was caught red handed and laced currency worth Rs.2,00,000/- was recovered from her. The allegations were supported by an audio recording between the Inspector and the complainant.

Learned senior counsel for the petitioners submit that the petitioners are in custody since second week of May, 2022; investigation is complete; challan stands presented; no further recovery is to be made and the petitioners are not involved in any other case.

Mr. R. S. Cheema, Senior Advocate for petitioner-Roshan Lal submits that that there was no occasion for the petitioner to demand illegal gratification as the application of the complainant for registration under the Goods and Service Tax Act, 2017 was rejected prior to the day of trap.

Learned counsel for the State opposes the prayer for grant of bail. She submits that the Inspector was caught red handed. She further submits that the second application made by the complainant was pending and to deal with said application the demand was made. The contention is that the allegations are supported by audio recording and the amount accepted by the Inspector was to be shared between the two accused. She submits that after the trap was successful, the second application was also

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rejected. It is submitted that voice sample of Inspector is yet to be taken.

Mr. Vinod Ghai, Advocate for the Inspector submits that the petitioner volunteers to give her voice sample as and when called for.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case and the same are made only for the purpose of deciding the bail applications.

Considering that the petitioners are in custody since May, 2022; the Inspector is a lady; no recovery is to be made, conclusion of trial is likely to take time, the petitioners have no criminal antecedents, the petitioners being government officials *prima facie* there is no chance of their absconding and the Inspector volunteers to give her voice sample, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

Since the main petitions have been disposed of, the prayer made in the pending application(s) is rendered infructuous.

Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

23rd November, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |