

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

Date of Decision: 24th August, 2022

CRM-M-23356-2022

Raj Baksh

Petitioner

Versus

State of Haryana

Respondent

CRM-M-26360-2022

Vikram Kumar

Petitioner

Versus

State of Haryana

Respondent

CRM-M-31854-2022

Balbir

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Cheema, Senior Advocate with
Mr. K.S. Nalwa, Advocate
Mr. P.S. Gill, Advocate and
Mr. Y.S. Rathore, Advocate for the petitioners.

Mr. Deepak Sabherwal, Addl. A.G., Haryana.

AVNEESH JHINGAN, J (Oral):

These three petitions are filed seeking regular bail to the
petitioners in case of FIR No. 04 dated 11.3.2022 under Sections 7, 7-A

and 13 of Prevention of Corruption Act, 1988 (for short 'PC Act') (Sections 420, 467, 468, 471, 120-B IPC and Section 81 of Registration Act, 1908 and Section 17-A, 13 (1) (b) read with Section 13(2) of the PC Act added subsequently) registered at P.S. State Vigilance Bureau, Karnal Division.

The brief facts of the case are that a complaint was made by Paramjit Singh stating that he was managing affairs of Khewat No. 9 situated in village Hari Singh pura, Distirct Karnal. He wanted to raise a colony. He was told that he will have to meet District Town Planner (for short 'the DTP'). The complainant contacted the petitioner-Balbir who was driver of the petitioner-Vikram Kumar (wrongly mentioned as Vikram Singh in the impugned order) Balbir assured that a meeting with the DTP would be arranged but a bribe of Rs. 10 lakhs has to be given. The deal was struck for Rs. 5 lakhs and Rs. 5,000/- was to be paid to Balbir. On complaint, a trap was laid. Vikram Kumar was apprehended red handed accepting Rs. 5 lakhs from the complainant. At his instance, Rs. 78,34,630/- was recovered from his house. He further disclosed that from the recovered amount Rs. 14.50 lakhs was paid to him through the petitioner Raj Baksh-Tehsildar for extending favour to three colonizers. After arrest of Raj Baksh, Rs. 5, 68,000/- was recovered at his instance.

Learned Senior Counsel and learned counsel appearing for the petitioners have submitted that the initiation of criminal proceedings is not valid as there was no prior approval taken under Section 17-A of PC Act. It is further argued that petitioners are in custody since 2nd week of the March, 2022, investigation is complete, challan stands presented but till

date no sanction to prosecute under Section 19 of the PC Act has been granted. The contention is that in absence of the sanction, the trial is not going to proceed.

Learned State Counsel vehemently opposes the prayer for grant of bail. He submits that there was recovery of illegal gratification collected by the petitioners over the period of time. He candidly submits that till date sanction to prosecute Vikram Kumar and Raj Baksh under Section 19 of the PC Act has not been received.

He opposes the prayer for grant of bail to Balbir by submitting that sanction to prosecute qua him was received.

He further submits that provision of Section 17-A of the PC Act is not applicable in the facts of the present case.

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

It would not be appropriate for this Court while dealing with the prayer for grant of bail to comment on applicability of Section 17-A of the PC Act at this stage.

Considering that the petitioners are in custody for more than five months; investigation is complete qua the petitioners there is no sanction under Section 19 of the PC Act to prosecute petitioners-Vikram Kumar and Raj Baksh, the trial is not likely to proceed and no useful purpose would be served by depriving their personal liberty, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. The concerned Court would be justified in seeking heavy surety from the petitioners.

Though the sanction viz-a-viz the petitioner-Balbir has been received, yet considering the role played by him and that as per the case set up, he had to receive Rs. 5,000/- for arranging the meeting and considering that though investigation qua the petitioner-Balbir is complete, conclusion of trial is likely to take time, he is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

Since the main cases have been decided, the pending application, if any, is rendered infructuous.

A photocopy of this order be placed on the file of connected case(s).

[AVNEESH JHINGAN]
JUDGE

24th August, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |