

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35415 of 2022 (O&M)

Date of Decision: 12.09.2022.

Jitender Kumar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

AVNEESH JHINGAN J. (ORAL)

This petition is filed for grant of regular bail in FIR No. 09 dated 18.05.2022, under Section 7 of the Prevention of Corruption Act, 1988 (for short 'PC Act'), registered at Police Station Vigilance Bureau, District Karnal.

As per the case set up, a complaint was received from Suresh Kumar alleging that petitioner Jatinder, Halka Patwari, Village Siwah, had demanded a bribe of Rs.24,000/- for partition of a khewat. A trap was laid and petitioner was apprehended from the spot. The laced currency notes were recovered from the drawer of the table.

Learned counsel for the petitioner submits that petitioner is in custody since 18.05.2022. The investigation of the case is complete, challan stands presented and till date, no sanction to prosecute has been received.

Learned State counsel on instructions from Inspector Saroj submits that he is not disputing the fact that sanction under Section 19 of Prevention of Corruption Act, 1988 is yet to be received.

Without commenting upon the merits of the case, considering that

though the investigation is complete, cognizance cannot be taken by the Court till the receipt of the sanction to prosecute. The petitioner is not involved in any other case. No useful purpose will be served by depriving the person liberty of petitioner, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

12.09.2022
rekha sharma

(AVNEESH JHINGAN)
JUDGE

<i>whether reportable</i>	<i>Yes/No</i>
<i>whether speaking/non-speaking</i>	<i>Yes/No</i>