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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-35643-2022 and
CRM-29215-2022 in/and
CRM-M-36040-2022
Decided on: 21st September, 2022

Virender Singh

Petitioner

Versus

Respondent

State of Haryana

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.04 dated 9.6.2022 under Sections 7 of Prevention of Corruption Act, 1988 registered at Police Station SVB, Panchkula, District Panchkula, Haryana.

As per the case set up, the petitioner while posted as an Inspector in Excise Department demanded illegal gratification of Rs. 20,000/- per month from the complainant Narender Kumar. Complainant was having AL-2 and AL-14 licences under the State Excise Act for the year 2021-22. An audio was given by the complainant forging the complaint. On the complaint, a trap was laid and the petitioner was apprehended red handed.

Learned counsel for the petitioner on instructions from Omveer Dahiya (brother-in law of the petitioner) submits that the petitioner was suspended, he is in custody since 10.6.2022 and has given his voice samples. The petitioner is not involved in any other case. It is

argued that it is a case of false implication as the complainant was enimical

towards the petitioner, as an FIR was got registered against the complainant for running unlicensed liquor vend and the petitioner was the member of the raiding party.

Learned State counsel opposes the prayer and submits that the petitioner had demanded Rs. 20,000/- per month and was caught got red handed. She on instructions from Inspector Balwan Singh submits that voice samples has been sent to the FSL and report is still awaited.

Without commenting on the merits of the case, considering no recovery is to be made, though investigation is complete conclusion of trial is likely to take time, he has no criminal antecedents and since the petitioner is a government official there is *prima facie* no chance of his absconding, no useful purpose would be served by depriving him from personal liberty, 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.

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

[AVNEESH JHINGAN]
JUDGE

21st September, 2022
anuradha

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No