

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

CRM-M-37570-2022

Date of Decision: 29th August, 2022

Ranjit Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Aman Pal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.07 dated 28.3.2022 under Sections 7, 13 (1) (b) r/w 13 (2) of Prevention of Corruption Act, 1988 registered at Police Station State Vigilance Bureau, Karnal.

Brief facts of the case are that a complaint was registered at the instance of Ajay Kumar alleging that on 28.3.2022, the petitioner who was working as Patwari demanded a bribe of Rs. 2000/- to enter the mutation of land in name of his uncle. The complainant gave an audio recording to support the allegations. On complaint, a trap was laid, the petitioner was apprehended red handed accepting Rs. 2000/-.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.3.2022, investigation is complete, charges have been framed. The contention is that the petitioner is not involved in any other case. He, further contends that the audio recording which was relied upon by the complainant was presented after 15 days and there is no certification under Section 65-B of the Evidence Act, 1872.

Learned State counsel opposes the prayer and submits that the petitioner was caught red handed and sanction to prosecute was granted. He refutes the contention of the learned counsel for the petitioner that the Compact Disc containing audio recording was not having certificate as per Section 65-B of the Evidence Act. The contention is that the petitioner is likely to influence the complainant.

Learned counsel for the petitioner on instructions submits that the petitioner will not directly or indirectly approach the complainant.

Without commenting on the merits of the case and considering the facts that though investigation is complete conclusion of trial is likely to take time, the case is supported by an audio recording and the petitioner has given his voice samples and he has no criminal antecedents, 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.

(AVNEESH JHINGAN)
JUDGE

29th August, 2022
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No