

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43191 of 2022

Date of Decision: 27th October, 2022

ASI Bijender Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This is a petition seeking regular bail in FIR No. 20 dated 4.7.2022, under Section 7 of the Prevention of Corruption Act, 1988 (for short, 'the Act') (Section 7-A of the Act and Section 120-B IPC added later on), registered at Police Station State Vigilance Bureau, Gurugram.

As per the case set up, a complaint was moved by Pinki alleging that Jyoti was trying to take illegal possession of her house. Ajit Singh, friend of husband of Pinki stated that ASI-Bijender Singh (petitioner) has demanded Rs.50,000/- to settle the issue and ultimately the deal was settled for Rs.35,000/-. On complaint, a trap was laid and Rs.20,000/- were re-covered from Lal Chand (a tea vendor running tea stall in front of police station). As per the statement of Ajit Singh, the petitioner considering that the complainant was a poor lady returned Rs.15,000/-. The petitioner was apprehended from the police station and in his hand wash test, colour of the solution turned pink.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 4.7.2022. He further submits that the tainted currency was not recovered from the petitioner. The contention is that the investigation is complete and the petitioner is not involved in any other

case. He further submits that sanction to prosecute has not been received till date.

Reply filed by the State is taken on record.

Learned counsel for the State on instructions from Inspector Suresh Kumar opposes the prayer for grant of bail. He submits that there is an audio recording supporting the allegations and voice sample of the petitioner is yet to be taken. He is not disputing the fact that sanction to prosecution has not been received till date.

Learned senior counsel for the petitioner on instructions submits that the petitioner volunteers to give his voice sample as and when called for.

Without commenting on the merits of the case, considering that no recovery is to be made from the petitioner, the laced currency was recovered from Lal Chand, the petitioner volunteers to give his voice sample, the petitioner has no criminal antecedents and the petitioner is police official *prima facie* there is no chance of his absconding, 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.

[AVNEESH JHINGAN]
JUDGE

27th October, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |