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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 27th October, 2022

CRM-M-48538-2022

Munish Lamba ... Petitioner

Versus

State of Haryana ... Respondents

CRM-M-48545-2022

Ved Parkash ... Petitioner

Versus

State of Haryana ... Respondents

CRM-M-47991-2022

Pawan Kumar ... Petitioner

Versus

State of Haryana ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pankaj Bali, Advocate
Mr. Prateek Rathi, Advocate
Mr. P.S. Ahluwalia, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

These three petitions are filed seeking regular bail in case FIR
No. 14, dated 16th June, 2022, under Section 7, 7A and 13 (1) (b) read with
13(2) of the Prevention of Corruption Act, 1988 (for short 'the Act') and

Section 120-B of Indian Penal Code, 1860, registered at Police Station

SVB Karnal.

As per the case set up, Kuldeep-complainant stated that he had purchased two acres of land of Mohan Singh. The High Tensions Wires were passing over the land and he applied to the Electricity Department for shifting the line. Manish Lamba, SDO, demanded Rs.5,00,000/- including a government fee of Rs.1,67,000/- from the complainant. The deal was struck for Rs.4,00,000/-. On 4th May, 2022, on instructions of Manish Lamba Rs.3,50,000/- was paid to his driver. The needful was not done and on enquiry Manish Lamba demanded Rs.50,000/- balance amount. The complainant was asked to meet with Pawan Kumar, Junior Engineer (for short 'J.E.'). The complainant went to meet J.E., where Suraj Kumar, Lineman met him. J.E. demanded Rs.50,000/- and the deal was struck for Rs. 40,000/-. On complaint, a trap was laid. Manish Lamba, J.E. and Ved Parkash were apprehended. As per the prosecution Rs. 50,000/- each were recovered from J.E. and Ved Parkash. In hand wash test of Manish Lamba, the colour of the solution turned pink.

Learned counsel for the petitioners submit that the petitioners are in custody since 16th June, 2022, investigation is complete, no recovery is to be made. It is further argued that no laced currency was recovered from Manish Lamba. Learned counsel appearing on behalf of Ved Parkash and Pawan Kumar submit that they had no official capacity to order shifting of the high tension wires. Reliance is placed on the fact that co-accused Suraj Kumar was granted anticipatory bail by this Court.

Learned State Counsel on instructions from Inspector Sachin opposes the prayer for grant of bail and submits that voice samples of the petitioners are yet to be taken. The contention is that the complainant in the statement under Section 164 Cr.P.C has supported the case of the prosecution. He fairly submits that challan has been presented.

Learned counsel for the petitioners on instructions submits that petitioners volunteer to give their voice samples as and when asked for.

Without commenting on the merits of the case, having conspectus of the facts, considering that the petitioners are in custody since June, 2022, although investigation is complete conclusion of trial is likely to take time, the petitioners volunteer to give their voice samples, co-accused has already been granted bail, no recovery is to be made and as on date no case is pending against them, the petitioners are granted bail subject to their furnishing bnail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

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

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

(AVNEESH JHINGAN)
JUDGE

27th October, 2022
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No