

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51261 of 2022

Date of Decision: 1st December, 2022

Rohtash

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Rai, Senior Advocate with
Mr. Karan Pathak, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr. P.C. is filed seeking regular bail in FIR No. 38 dated 30.9.2022 under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station, SVB, Gurgaon.

Brief facts are that a complaint was filed by the complainant and Petitioner-Rohtash posted as Sub Inspector demanded illegal gratification for getting the matter compromised. The allegations are supported by audio recording. A trap was laid which failed as the petitioner was not found at the designated place.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 30.9.2022, challan stands presented and no sanction to prosecute has been received. He on instructions submits that the petitioner volunteers to give voice sample as and when called for.

Learned counsel for the State opposes the prayer for grant of bail. He on instructions fairly submits that sanction to prosecute is yet to be received.

Without commenting on the merits of the case and considering that though investigation is complete, conclusion of trial is likely to take time, till date there is no sanction to prosecute, the petitioner being a police

official, *prima facie* there is no chance of his absconding and the petitioner volunteers to give his voice sample, 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

1st December, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |