

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

214

CRM-M-52587 of 2022 (O&M)

DECIDED ON: 21st November, 2022

Ajay Kumar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Edward Augustine George, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No.6 dated 5.7.2021, under Section 7 of the Prevention of Corruption Act, 1988 (challan presented under Section 7 of the Prevention of Corruption Act, 1988 and Sections 384 and 389 of IPC, 1860) registered at Police Station State Vigilance Bureau, Hisar.

The earlier petition was dismissed as withdrawn on 28.1.2022 with liberty to revive the prayer at a later stage.

As per the case set up, the petitioner posted as SI in CIA Dabwali demanded Rs. 2,00,000/- for not registering case against the father and mother of the complainant (Sukhbir Singh). The father of the complainant was undergoing sentence of ten years in a NDPS case. He over stayed parole and was arrested by the petitioner and the officials of CIA. On complaint a trap was laid. The laced currency was recovered from under the pillow lying in the shop of the complainant where accused went to accept the money. In the hand-wash test, the colour of solution turned pink.

Learned Senior Counsel for the petitioner submits that the petitioner is in custody since 6.7.2021, the complainant in his deposition has not supported the case of prosecution and was declared hostile. He further submits that the story put forth by the prosecution is unbelievable that the petitioner after accepting the bribe had kept the laced currency under the pillow in shop of complainant.

Learned State counsel opposes the prayer and submits that the complainant in 164 Cr.P.C. statement had supported the case of prosecution. Contention is that in hand wash test the colour of solution turned pink. He on instructions is not disputing the fact that the complainant has been examined.

Without commenting upon the merits of the case or on the deposition made by the complainant, considering the custody period and also the fact that conclusion of trial is likely to take time, the complainant has been examined and the petitioner being police-official prima-facie there is no chance of his absconding, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the 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 November, 2022
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>