

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54382-2022

Date of Decision: 30th November, 2022

Lal Chand

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Amandeep Rana, 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.

Learned counsel for the petitioner claims parity with co-accused ASI Bijinder Singh who was granted regular bail by this Court on 27.10.2022.

On 27.10.2022 the following order was passed :-

“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.”

Learned counsel for the State though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case, considering the fact that the co-accused has been granted bail, the conclusion of trial is likely to take time and on the basis of parity with the co-accused so far as grant of bail is concerned, 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**

30th November, 2022