

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-56211-2022**

Date of Decision: 22nd December, 2022

Rajesh Kumar

... 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 petition is filed seeking regular bail in case FIR No. 34, dated 6th September, 2022, under Sections 384 of Indian Penal Code, 1860, Sections 13(1) (b) and 7 of the Prevention of Corruption Act, 1988 (for short 'the Act') and Section 13(2) of the Act (added later on, as reflected in the final report under Section 173(2) of Cr.P.C.) and Sections 201 and 466 of the IPC, registered at Police Station SVB Gurgaon.

2. The brief facts are that FIR was registered at the instance of Sanjeev Saluja owner of M/s Maruti Motors, Faridabad. The allegations are that he had taken a land on lease for ninety-nine years and for registration of the deed stamp duty was paid. In audit it revealed that the lesser stamp duty was paid. The matter was taken up in appeal which was fixed before Rajesh Prajapati (at that time Sub Divisional Magistrate, Pataudi). Allegation is that he demanded illegal gratification for deciding the matter in favour of the complainant.

3. Learned Senior counsel appearing for the petitioner submits that it is a case of false implication; the petitioner had dismissed the application on 23rd February, 2020 whereas the allegations is of March

2020. The contention is that investigation is complete and challan stands presented; sanction to prosecute is not received. He further submits that petitioner is not involved in any other case.

4. Learned State counsel submits that there is a *WhatsApp* chat between the petitioner and the complainant to substantiate the allegation of demand of illegal gratification. He is not disputing that the petitioner is not involved in any other case and that the sanction to prosecute is awaited.

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

6. Having conspectus of the facts, considering the custody period, sanction to prosecute is not received, though the investigation is complete conclusion of trial is likely to take time; petitioner has no criminal antecedents and it is debatable whether there was occasion for demand of illegal gratification, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. Since the main petition is allowed, pending applications, if any, rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

22nd December, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No