

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

**CRM-M-1217-2023 (O&M)
Date of Decision: 11.01.2023**

RajivPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.28 dated 19.11.2022 at Police Station SVB, Hisar, under Sections 7, 7A of the Prevention of Corruption Act, 1988 (as amended in the year 2018) and Section 384 IPC.
2. The FIR in question was lodged at the instance of Ashok Kumar, wherein it has been stated that on 25.09.2022, the Police had arrested one Subhash son of Chander Bhan on the allegation that he was possessing poppy-husk and consequently, FIR No.221 dated 25.09.2022, under Sections 15(b)/25 of the NDPS Act, was lodged against said Subhash. The complainant has further stated that on 27.09.2022, a police personnel while introducing himself to be Rajiv (petitioner) met him and told him that Subhash during the course of interrogation had nominated complainant's brother Rajesh Kumar as co-accused and that in case the complainant wanted a lenient view to be taken in the matter, then he should meet Jaivir Dhaka, who will tell as to what

amount of bribe is to be given to the police. It has further been alleged that later Rajiv demanded a bribe to the tune of Rs.6 lakhs so as to skip the search of the complainant's house and also to ensure that Rajesh Kumar is not kept in the police custody for a long period. Later, the matter upon negotiations with Rajiv and Jaivir Dhaka was settled at Rs.3 lakhs. However, since the complainant did not wish to pay the amount, he approached the Vigilance Bureau and accordingly a trap was laid and co-accused Jaivir Dhaka was caught red-handed while accepting a bribe of Rs.3 lakhs.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that neither any demand of bribe has been established nor any recovery was effected from the petitioner and that it is co-accused Jaivir Dhaka, who is alleged to have been caught red-handed while accepting an amount of Rs.3 lakhs and as such, the petitioner cannot be held liable in any manner. Learned counsel has further submitted that since co-accused Jaivir Dhaka had already been granted bail, the petitioner from whom no amount was ever recovered deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that the facts and circumstances of the case clearly indicate that the petitioner in connivance with co-accused Jaivir Dhaka had made the complainant part with an amount of Rs.3 lakhs as bribe so as to extend undue favour in the shape of taking a liberal view as regards the involvement of his brother Rajesh Kumar in FIR No.221 dated 25.09.2022 and as such, does not deserve to be released on anticipatory bail.

5.

This Court has considered rival submissions.

6. It is no doubt correct that it is co-accused Jaivir Dhaka, who was caught red-handed while accepting the bribe of Rs.3 lakhs, but the facts clearly indicate that it was on account of a demand made by the petitioner, who is working in the Haryana Police, that the complainant was made to pay the amount. The petitioner cannot claim any parity on account of release of co-accused Jaivir Dhaka on regular bail inasmuch as the considerations for grant of regular bail are different from grant of anticipatory bail. The petitioner being a member of the disciplined force was not expected to indulge in such like practices. The involvement of a police official in such like shameful activities erodes the faith of the general public in police force and adversely affects maintenance of law and order in society. Consequently, no special case for grant of anticipatory bail to the petitioner is made out. The petition is sans merit and is hereby dismissed.
7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the case.

11.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No