

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

**CRM-M-1524-2023 (O&M)
Date of Decision: 12.01.2023**

Sushil Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashwani Gaur, 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.32 dated 20.10.2022 at Police Station State Vigilance Bureau (SVB), Faridabad, under Sections 7, 7A of the Prevention of Corruption Act, 1988 (Sections 13(1)(b) and 13(2) of the Prevention of Corruption Act have been added during investigation).
2. The FIR in question was lodged at the instance of Aalim, wherein it has been stated that he is in possession of land measuring 1 acre, which is owned by custodian department. It has further been stated that the said land is being cultivated by his predecessors-in-interest since long and *girdawari* in respect of the same stands recorded in his name, as he is presently cultivating the same. One Jameel is stated to have filed an appeal in the Court of Sh. Sushil Sharma, DRO, Hatin for correction of the said *khasra girdawari* . The complainant alleged that on 17.08.2022, Daya Ram, Reader to DRO, told him that he will get the work done and that the complainant would be

required to pay an amount of Rs.2 lakhs. Said Daya Ram introduced the complainant and his son to Sushil Sharma, DRO and Sushil Sharma said that he will dismiss the appeal filed by Jameel and that the complainant would have to pay an amount of Rs.2 lakhs. Sushil Sharma, DRO told the complainant to pay the said amount to Naresh Kumar, Peon. It has further been alleged that thereafter he (complainant), Naresh Kumar, Peon and Daya Ram, Reader came out and he was asked to pay the amount of Rs.2 lakhs. It has further been stated that since at that time the complainant was having Rs.1 lakh only, Daya Ram asked him to pay the said amount to Naresh, Peon and Rs.5000/- to him (Daya Ram). Accordingly, Naresh, Peon took an amount of Rs.1 lakh from the complainant to be paid to the DRO. Another amount of Rs.5000/- was taken by Daya Ram after reaching at Hathin. It has further been alleged that on 19.10.2022, Daya Ram, Reader again called the complainant asking him to pay the balance amount at the house of Biru, Advocate and to take a copy of the order from said Biru. The complainant said that he can only pay an amount of Rs.50,000/- and upon which Daya Ram agreed for the same. However, since the complainant did not wish to make the said payment, he approached the Vigilance Bureau and a trap was laid and Biru, Advocate, was caught red-handed while accepting an amount of Rs.50,000/-.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that neither any demand allegedly made by the petitioner is proved and nor any amount was ever recovered from him and that it may be a case where his subordinates in connivance with Biru, Advocate, may have tricked the complainant into making the payment.

4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and the complainant has categorically stated that he had met the petitioner and that the petitioner had raised a demand of Rs.2 lakhs for getting the appeal filed by Jameel, dismissed and since pursuant to said demand, a part payment had been made to Biru, who was caught red-handed while accepting the amount of Rs.50,000/-, the complicity of the petitioner is clearly evident. Learned State counsel has further informed that even in the statement of the complainant recorded in terms of Section 164 Cr.P.C., he has reiterated the allegations as leveled in the FIR and also the proceedings conducted thereafter regarding laying of a trap and catching of co-accused Biru, Advocate, red-handed.
5. This Court has considered rival submissions.
6. It is no doubt correct that it is only Biru, Advocate, who was caught red-handed at the spot while accepting an amount of Rs.50,000/-. However, the complainant has categorically stated that the appeal filed against him by Jameel was pending before Sh. Sushil Sharma, DRO, Hathin and that he had been introduced to DRO by Daya Ram, Reader and that the petitioner had demanded an amount of Rs.2 lakhs for dismissing the appeal. Since all the allegations virtually stand substantiated upon catching of co-accused Biru red-handed to whom the complainant had been told to pay the balance amount of Rs.50,000/- by co-accused Daya Ram, the complicity of the petitioner is clearly established. In these circumstances, this Court does not find any reason to doubt the allegations against the petitioner at this stage. Consequently, no special case for grant of anticipatory bail 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.

12.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

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