

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-3034-2023 (O&M)
Date of Decision:-18.5.2023

Sehjad Hassan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S. Tewatia, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana,
assisted by DSP Satish Kumar.

FIR No.	Dated	Police Station	Section/s
75	3.3.2022	Nagina, District Nuh	7, 13, 49 of Prevention of Corruption Act, 1988 and Section 201 IPC

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of anticipatory bail in respect of the abovementioned FIR.
- At the time of issuance of notice of motion, the following order was passed on 19.1.2023:

“The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.75, dated 03.03.2022, Police Station Nagina, District Nuh, under Sections 7,13, 49 of Prevention of Corruption Act, 1988 and Section 201 IPC.

The allegations, in nutshell, as levelled by complainant-Muddin are to the effect that one Dr. Man Mohan Singh had demanded a bribe from him for the purpose of issuing a favourable report, as regards the injuries sustained

by the complainant at the hands of Amin, Wasim, Warish, Akal and Sahoon and that he had paid an amount of Rs.1,80,000/- to said Dr. Man Mohan Singh through petitioner-Sehjad Hassan, in the year 2017.

Learned counsel submits that there is an unexplained delay of 5 years in lodging the FIR and that in any case, it is not the case of the complainant that the petitioner had benefitted from the alleged bribe amount and even otherwise there is no evidence to establish the said allegations.

Notice of motion for 18.5.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Reply by way of an affidavit of Shri Satish Kumar, HPS, Deputy Superintendent of Police, Ferozepur Jhirka has been filed by learned State counsel, which is taken on record.
4. Mr. Munfaid Khan, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.
5. In the reply filed by State, it is categorically stated that pursuant to interim directions, the petitioner has joined investigation.
6. Learned State counsel has, however, submitted that since the amount in question has not been got recovered, the petitioner does not deserve the concession of anticipatory bail.
7. Learned counsel representing the complainant has also opposed the petition on the ground that there are specific allegations against the petitioner and as a matter of fact the police did not lodge the FIR in the first instance and he had to file an application before the Illaqa Magistrate under Section 156(3) Cr.P.C. and it was thereafter, the instant FIR came to be lodged.

8. This Court has considered the rival submissions addressed before this Court.
9. The occurrence in question had taken place about 5 years prior to lodging of FIR. In any case, the petitioner has since joined investigation. The factum of recovery of any amount from the petitioner cannot be made a basis for denying the relief of anticipatory bail. The petition merits acceptance and is hereby accepted and the interim directions issued by this Court vide order 19.1.2023 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

18.5.2023

(Gurvinder Singh Gill)

pankaj

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No