

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

CRM-M-7117-2023 (O&M)
Date of Decision:-15.2.2023

Akhtar Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mazlish Khan, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Raj Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.30, dated 16.9.2022 at Police Station SVB, District Faridabad, Haryana, under Sections 7, 13(1)(a)(b) of the Prevention of Corruption Act and Section 218 of Indian Penal Code.
2. The FIR was lodged at the instance of Chander, wherein it is alleged that on 16.9.2022 when he was going on his motorcycle, his motorcycle had been stopped by the petitioner, who was working as a Head Constable. It is alleged that the said Head Constable took away 5 boxes of liquor, which the petitioner was carrying, as well as his motorcycle and mobile phone and when the said Head Constable was contacted by complainant's cousin Vinod

Kumar, the said Head Constable (petitioner) raised a demand of Rs.60,000/-, which was settled at Rs.30,000/-, so as to return the articles as well as to convert the case into a case of petty offence. The conversation which had taken place between complainant's cousin Vinod Kumar and the petitioner was recorded. The matter was reported to Vigilance Bureau. A raid was conducted and the petitioner was caught red-handed while accepting an amount of Rs.30,000/-.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that in the present case statements of the complainant as well as of complainant's cousin Vinod Kumar have been recorded, who have both resiled from their statements.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender and stands involved in 2 other cases pertaining to offence punishable under Prevention of Corruption Act. Learned State counsel has informed that the petitioner has been behind bars since the last about 5 months and that challan already stands presented.
5. This Court has considered the rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case but having regard to the fact that the petitioner has been behind bars for a substantial period of about 5 months and two of the material witnesses are stated to have resiled from their statements and also the fact that conclusion of trial is likely to consume time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. The aforesaid order shall, however, be subject to the condition that the petitioner shall furnish his voice samples as and when directed.

15.2.2023

(Gurvinder Singh Gill)

pankaj

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No