

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

(I) **CRM-M-7163-2023 (O&M)**
Date of Decision:- 20.02.2023

Tarsem Singh ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-7767-2023 (O&M)**

Hira Singh ... Petitioner

Versus

State of Haryana ... Respondent

(III) **CRM-M-7776-2023 (O&M)**

Sukhdev Singh Nambardar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Mr. Shubham Mangla and
Mr. Vishal Sharma, Advocates,
for the petitioner in CRM-M-7163-2023.

Mr. Jasminder Singh Thind, Advocate,
for the petitioner in CRM-M-7767-2023.

Mr. Saurabh Sharma and Mr. P.S.Ahluwalia, Advocates,
for the petitioner in CRM-M-7776-2023.

Mr. Hardeep Singh Kasan, Advocate,
for the complainant in CRM-M Nos.7767 & 7776 of 2023.

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

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Tarsem Singh, Hira Singh and Sukhdev Singh Nambardar, seek grant of regular bail in a case registered vide FIR No.30, dated 19.10.2022, Police Station SVB Ambala, District State Vigilance Bureau, under Sections 7, 13(1)(b) read with Section 13(2) of Prevention of Corruption Act and Section 120-B IPC.
2. The FIR in the present case was lodged at the instance of Balwinder Singh wherein it is alleged that he owns land measuirng 19 kanals 04 marlas in Village Agondh, District Kaithal alongwith other co-owners. It is alleged that some LTE lines and HT lines (Electricity cables), passed through his fields and that in order to get the same shifted, he had approached Tarsem Singh, SDO, Power House, Guhla through Hira Singh JE, who told him that the same would incur an expenditure of Rs.13.5 lakhs and upon negotiation, the said amount was reduced to Rs.8.5 lakhs. The complainant alleged that he paid an amount of Rs.1 lakh to the SDO. It is further the case of prosecution that later the accused told that another amount of Rs.2 lakhs be paid to the accused through Sukhdev Singh Nambardar (commission agent) Anaj Mandi Cheeka. Since, the complainant did not wish to pay the balance amount, he approached the State Vigilance Bureau

and a trap was laid and accused Sukhdev Singh was caught red-handed while accepting an amount of Rs.2 lakhs.

3. It is further the case of prosecution that upon arrest of petitioner-Tarsem Singh, he suffered a disclosure statement and got an amount of Rs.2.80 lakhs recovered from his house.
4. Learned counsel representing the petitioners have submitted that they have falsely been implicated in the present case and that there is no credible evidence to connect them with the alleged demand of bribe. Learned counsel representing petitioner-Tarsem Singh SDO and Hira Singh JE, have submitted that since they were never caught red-handed, they cannot be held liable in any manner. Learned counsel representing Sukhdev Singh Nambardar has submitted that he is not employed in electricity Board and would not have any say in the affairs of the said department and as such it cannot be believed that the complainant would have paid an amount of Rs.2 lakhs to him for getting the work done in the electricity department.
5. Opposing the petitions, learned State counsel, assisted by learned counsel for the complainant, has submitted that all the accused were hand in gloves with each other for the purpose of extracting illegal gratification from the complainant and that there is some audio recording also with regard to the conversation which had taken place between the complainant and the accused which clearly shows the complicity of the petitioners. Learned State counsel has however, informed that the petitioners have been behind bars for the last about 4 months and challan stands presented. It has also been informed

that charges have not been framed inasmuch as even sanction is still awaited. Learned State counsel has informed that as many as 19 PWs have been cited.

6. This Court has considered the rival submissions.
7. It is a case where one of the accused was caught red-handed while accepting a bribe of Rs.2 lakhs. The investigation is complete but sanction is still awaited. The petitioners have been behind bars for a substantial period of about 4 months and conclusion of trial is likely to consume time. In these circumstances, further detention of petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. The aforesaid order shall however, be subject to the condition that the petitioners shall furnish voice samples, as and when directed, and not threaten the complainant, in any manner. In case, it is found that the petitioners do not cooperate for furnishing voice samples or are found to be intimidating the witnesses, it shall be open to the prosecution to move an application for cancellation of bail.
9. A photocopy of this order be placed on the file of each connected case.

20.02.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No