

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

214

CRM-M-8520-2023

Date of Decision: 22.02.2023

Ram Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.P.Sharma, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.44 dated 28.11.2022 at Police Station State Vigilance Bureau (SVB) Gurugram, District Gurugram, under Sections 7, 7A, 13(1)B read with Section 13(2) of the Prevention of Corruption Act.
2. The FIR was lodged at the instance of Sanjay Saini, wherein it has been alleged that co-accused Ajay, Tehsildar had demanded an amount of Rs.20,000/- so as to help the complainant in the matter pertaining to partition of land and that said Ajay had directed the complainant to hand over the amount to his Reader Ram Singh (petitioner).
3. Learned counsel for the petitioner has submitted that the statement of the complainant was recorded in terms of Section 164 Cr.P.C., which clearly shows that when the complainant approached the petitioner so as to hand over the amount, the petitioner had refused to accept the same,

- which would clearly show that the petitioner was not part of the alleged illegal gratification stated to have been demanded by the co-accused Ajay. It has further been submitted that since challan already stands presented, the petitioner is not required to be detained any longer.
4. Opposing the petition, learned State counsel has submitted that since it is the petitioner, who was caught red-handed while accepting the tainted currency notes, his complicity is clearly evident. It has further been informed that there is an audio recording in respect of the conversation, which had taken place between the complainant and the petitioner, which would corroborate the allegations against the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 months and challan already stands presented and that charges are yet to be framed and as many as 18 PWs have been cited.
 5. This Court has considered rival submissions.
 6. It is no doubt correct that specific allegations have been leveled against the petitioner. However, the petitioner has been behind bars for the last about 3 months and challan already stands presented. The petitioner is not stated to be involved in any other case. The trial has not even commenced as of now inasmuch as charges have not been framed so far. It has also been informed that even sanction has not been accorded for prosecuting the petitioner so far. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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. It is further directed that the petitioner would be obliged to furnish his
voice sample as and when directed. In case, the petitioner does not
cooperate for the same, it shall be open for the prosecution to move for
cancellation of bail.

22.02.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**