

2023:PHHC:046525

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

CRM-M-10871-2023 (O&M)

Date of Decision:-29.3.2023

Shishpal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagjeet Beniwal, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.34, dated 6.9.2022 at State Vigilance Bureau, Gurugram, District Gurugram, under Sections 7, 13(1)B of Prevention of Corruption Act, 1988, wherein offences under Sections 201, 466, 120-B of Indian Penal Code and Section 13(2) of Prevention of Corruption Act were added later on.
2. Status report by way of affidavit of Shri Satender Kumar, HPS, Deputy Superintendent of Police, Anti Corruption Bureau, Gurugram has been filed by learned State counsel, which is taken on record.
3. The allegations as per the FIR are that Rajiv Kapoor and Sanjeev Saluja owners of M/s Maruti Motors, Faridabad had taken a piece of land measuring 4 kanals and 12 marlas on lease for 99 years, which was duly registered vide

Vasika No.376 dated 13.5.2016 and at the time of registration of the same a sum of Rs.48,100/- was deposited as stamp duty. However, subsequently during audit it was found that the stamp duty paid by the complainant was on the lesser side and that as a matter of fact an amount of Rs.12,89,55,467/- was required to be paid as stamp duty. Accordingly, a notice for recovery was issued to M/s Maruti Motors, Faridabad. It is alleged by the complainant that Rajesh Prajapati, SDM contacted them and demanded an amount of Rs.55 lakhs to help them. It is further alleged that the aforesaid Rajesh Prajapati, SDM sent one Shish Pal Mor to collect an amount of Rs.5 lakhs from the complainant, which was accordingly paid on 13.3.2020. It is further alleged that thereafter another amount of Rs.7 lakhs was paid on 31.3.2020 and Rs.6 lakhs on 15.4.2020.

4. Learned counsel for the petitioner submits that even if all the allegations as levelled in the FIR are taken to be correct, it is Rajesh Prajapati, SDM, who is the main accused and that the petitioner had merely collected an amount of Rs.5 lakhs on his behalf and had not benefited in any manner from the said amount. It has further been submitted that the petitioner is not working in any government office and is privately employed.
5. Opposing the petition, learned State counsel has submitted that facts and circumstances of the case clearly show that the petitioner was hands in gloves with Rajesh Prajapati, SDM and had facilitated passing on of the illegal gratification to Rajesh Prajapati, SDM and that, as such, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months and challan already stands presented. It has also been informed that the petitioner is not involved in any other case.

6. The petitioner admittedly has himself not demanded any amount from the complainant but had collected an amount of Rs.5 lakhs at the instance of Rajesh Prajapati, SDM from the complainant. In any case, the petitioner has been behind bars since the last about 2 months. Investigation is already complete and challan stands present. Charges are yet to be framed and, as such, it is apparent that conclusion of trial is likely to consume time. The petitioner otherwise enjoys a clean record. In these circumstances, 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.

29.3.2023
pankaj

(Gurvinder Singh Gill)
Judge

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