

2023:PHHC:043513

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

CRM-M-13927-2023 (O&M)  
Date of Decision:- 23.3.2023

Wakeel Ahmed ...Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana  
assisted by Inspector Ranbir Singh.

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**GURVINDER SINGH GILL, J.**

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 1 dated 2.1.2023 under Sections 201, 384, 420/120-B IPC and under Sections 13(1)(b) read with Section 13(2) and Section 7-A of the Prevention of Corruption Act, 1988 at Police Station State Vigilance Bureau, District Gurugram.
2. The FIR was lodged at the instance of Sirajudin wherein it is alleged that daughter-in-law of his brother namely Mursida had contested the election of District Council, Nuh held on 30.10.2022 and result of the same was declared on 27.11.2022. The complainant alleged that shortly after the day

of polling, Fakrudeen, Akeel and Tahir had approached him and had represented that they could help Mursida win the election by way of getting bogus votes cast in her favour in return of an amount of Rs. 10 lacs. Fakrudeen and Akeel are stated to be brothers of Wakeel Ahmed, who is posted as SDM in Panipat and Tahir is stated to be their uncle. It is alleged that the aforesaid three accused represented that Wakeel Ahmed will approach the local SDM so as to help them in the matter. It is further alleged that a meeting between the complainant and Wakeel Ahmed, SDM was arranged by accused Fakrudeen when Wakeel Ahmed had assured to help him in casting bogus votes in favour of Mursida. The complainant gave an amount of Rs. 2,40,000/- to Wakeel Ahmed at the spot who told him to arrange for the remaining amount in the shortest possible time. Later, another amount of Rs. 2.5 lacs was given to accused Fakrudeen. Yet another amount of Rs. 2.2 lacs was given in cash upon demand made by Fakrudeen. On 26.11.2022, upon demand raised by accused Wakeel Ahmed, an amount of Rs. 1 lac was given and later another amount of Rs. 1.5 lacs was also given on the same day i.e. on 26.11.2022 and as such, a total amount of Rs. 9.6 lacs was paid by the complainant as bribe money. However, on 27.11.2022 when the election result was declared, the daughter-in-law of complainant's brother i.e. Mursida lost the election. The complainant kept on pursuing for getting the money returned but to no avail.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that any amount had ever been handed over to the petitioner. It has further been submitted that as a matter of fact the complainant is a blackmailer and has lodged several complaints against

various persons which he later on withdraws after accepting money. The learned counsel, in this regard, has referred to complaints dated 30.5.2018 (Annexure P-4); 21.6.2018 (Annexure P-5) and 27.6.2018 (Annexure P-6), all submitted by the complainant Sirajudin.

4. Opposing the petition, the learned State counsel has submitted that since there are specific and categoric allegations levelled against the petitioner, no case for grant of bail is made out, particularly when the petitioner himself is alleged to have accepted an amount of Rs. 2.4 lacs. It has further been submitted that there is some audio-recording also which would point towards the guilt of the petitioner. It has, however, been informed that the petitioner as on date has been behind bars since the last 2 months and 19 days and that although 18 prosecution witnesses have been cited but none has been examined so far as charges are yet to be framed. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered rival submissions addressed before this Court.
6. While it is a case where specific allegations have been levelled against the petitioner but it will be debatable as to whether the petitioner indeed had demanded any amount or as to whether any amount had indeed been given to him. In any case, the investigation is complete and challan stands presented. The petitioner is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date as charges are yet to be framed. In these circumstances, further detention of the petitioner will not serve any useful purpose.

7. 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.
8. 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.

23.3.2023  
kamal

(Gurvinder Singh Gill)  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |