

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

CRM-M-14523-2023 (O&M)
Date of Decision:-11.5.2023

Ramphal ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Pankaj Nanhera, Advocate for the petitioner.

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

Mr. Rose Gupta, Advocate with
Ms. Garima Modi, Advocate and
Mr. Mohammad Arshad, Advocate for the complainants.

FIR No.	Dated	Police Station	Section/s
02	3.1.2023	State Vigilance Bureau, Gurugram	7, 7-A, 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, 1988 and Section 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

CRM-13325-2023

In view of the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-14523-2023 (Main Case)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.

2. The allegations, in nutshell, are that the petitioner, who is posted as District Education Officer, Nuh had demanded illegal gratification from the complainant so as to give him contract for supply of dual-desks, which were to be supplied to various government schools. It is alleged that the accused made a demand of Rs.1,000/- per dual-desk, which was later on settled at Rs.500/- per dual-desk. It is alleged that the complainant bowed to the said demand and had paid an amount of Rs.2 lakhs to the accused, but the accused had been demanding more. Since the complainant, did not wish to pay the said amount, he reported the matter to Vigilance Bureau. Accordingly, a trap was laid. However, tainted currency notes were not recovered from physical possession of the petitioner, but the same were alleged to have been recovered from a plastic bag lying under the table of the petitioner. It is further the case of prosecution that subsequently the petitioner also led to recovery of an amount of Rs.2 lakhs from his residence.
3. Status report by way of affidavit of Shri Satender Kumar, H.P.S. Deputy Superintendent of Police, Anti Corruption Bureau, Gurugram and custody certificate of the petitioner have been filed by learned State counsel, which are taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the tainted currency notes were never recovered physically from the petitioner and as a matter of fact had been planted in the office of the petitioner. It has further been submitted that the innocence of the petitioner would be evident from the fact that when the hands of petitioner were washed, the same did not indicate presence of any 'Phenolphthalein' powder, necessarily indicating that the petitioner had never handled the alleged illegal gratification. Learned counsel for the petitioner

has also submitted that the alleged recovery of Rs.2 lakhs from the house of petitioner cannot, in any manner, be related to the amount stated to have been given by the complainant to the petitioner.

5. Opposing the petition, learned State counsel has submitted that apart from the allegations levelled in the FIR, there is recording of audio conversation, which had taken place between the petitioner and complainant, which clearly shows the complicity of the petitioner. Learned State counsel has, however, informed that the petitioner has been behind bar since the last about 4 months and that he also stands involved in one more case registered for offence under Prevention of Corruption Act. It has been informed that charges are yet to be framed and as many as 29 PWs have been cited.
6. This Court has considered the rival submissions addressed before this Court.
7. It is no doubt correct that specific allegations have been levelled against the petitioner. However, the petitioner has been behind bars for a substantial period of about 4 months. Conclusion of trial is likely to consume time as the trial has not even commenced till date and as many as 29 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is allowed 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.

11.5.2023
pankaj

(Gurvinder Singh Gill)
Judge

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