

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-15043-2023
Date of Decision: 29.03.2023

Prabhu Dayal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ajay Kamboj, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Insp. Sukhjeet Singh.

Mr. Nafeesh Ahmed, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.25 dated 12.10.2022 at Police Station SVB, Hisar, District State Vigilance Bureau, under Sections 7, 7-A, 13(1)(b) of the Prevention of Corruption Act.
2. The allegations, in nutshell, are that the petitioner had held out a representation to the complainant that he could get the complainant recruited as a Home Guard and in return demanded an amount of Rs.3,50,000/-. It is the case of the prosecution that pursuant to a complaint moved by the complainant-Gurpreet Singh, a trap was laid and the petitioner was caught red-handed while accepting an amount of Rs.85,000/-.

3. Learned counsel for the petitioner has submitted that it is unbelievable that the petitioner, who himself is working as a Home Guard, would be in a position to get anybody else recruited as Home Guard and it is also unbelievable that anybody would believe any such representation made by a petty official. Learned counsel has further submitted that the petitioner has been behind bars for a substantial period of more than 5 months and as such, his further detention is not required.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner was caught red-handed while accepting illegal gratification, his complicity is clearly evident. It has been informed that challan already stands presented, but charges are yet to be framed and as many as 22 PWs have been cited. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered rival submissions.
6. Though there are specific allegations against the petitioner, but while noticing that the petitioner has been behind bars for the last about 5 months & 14 days and otherwise has a clean record, 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 and shall not influence the witnesses.

In case, the petitioner does not cooperate for the same, it shall be open for the prosecution to move for cancellation of bail.

29.03.2023

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No