

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-18019-2023 (O&M)

Date of Decision: 21.04.2023

Manjeet ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jaivir Yadav, Senior Advocate, with
Mr. Tarun Yadav, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by DSP Gourav Sharma.

FIR No.	Dated	Police Station	Section/s
02	17.01.2023	SVB, Hissar	Sections 7, 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Aashish, wherein it is alleged that the petitioner, who was posted as a Patwari had demanded an amount of Rs.10,000/- as bribe for the purpose of entering mutation in respect of the land of the complainant. The said amount was, however, later on settled at Rs.5000/-. Since the complainant did not wish to pay the said amount,

he reported the matter to the Vigilance Bureau. A trap was accordingly laid and the petitioner was caught red-handed while accepting bribe of Rs.5000/-.

3. Learned senior counsel appearing on behalf of the petitioner has submitted that he has falsely been implicated in the present case and there is no credible evidence that the petitioner had raised any demand for sanctioning the mutation in favour of the complainant. It has been submitted that the petitioner has a clean record and since the petitioner as of now has been behind bars since the last about 3 months, his further detention would not serve any useful purpose.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed while accepting bribe of Rs.5000/-, his complicity is clearly evident particularly when even the telephonic conversation corroborates the case of the prosecution. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 months and that he is not involved in any other case. It has also been informed that challan already stands presented, but charges are yet to be framed and as many as 17 PWs have been cited.
5. This Court has considered rival submissions.
6. It is no doubt correct that the petitioner is alleged to have been caught red-handed while accepting bribe. However, this Court cannot lose sight of the fact that the petitioner has been behind bars since the last about 3 months and challan already stands presented. The petitioner otherwise enjoys a clean record. Conclusion of trial is likely to consume time

- inasmuch as trial has not even commenced till date and as many as 17 PWs have been cited. 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.
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.

21.04.2023

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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