

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

CRM-M-18868-2023 (O&M)
Date of Decision:- 24.4.2023

Anil ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gagan Pradeep S. Bal, advocate, for the petitioner.

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

FIR No.	DATE	POLICE STATION	OFFENCES
0003	01.02.2023	SVB, Hisar	7 of Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Mukesh Kumar wherein he alleged that for the purpose of raising a loan against his residential house, he required a report from Patwari as regards ownership of the house. He approached the Patwari who demanded illegal gratification

of Rs.2000/- for doing the needful which was later on settled at Rs.1800/-. The complainant recorded the said conversation in his phone. Since, he did not wish to pay the bribe, he reported the matter to the Vigilance Bureau. A trap was accordingly laid and the petitioner was caught red-handed while accepting tainted currency notes of Rs.1800/-.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no credible evidence to establish the allegations against him.
4. Opposing the petition, learned State counsel submitted that since the petitioner was caught red handed while accepting the tainted currency notes whose serial numbers had been noted down, the complicity of the petitioner is clearly evident. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 2 ½ months and that challan already stands presented. It has been informed that sanction for prosecuting the petitioner is still awaited and that as many as 16 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. No doubt, there are specific allegations against the petitioner regarding the petitioner having made a demand and having accepted bribe from the complainant. However, till date the prosecution has not even obtained sanction for prosecuting the petitioner. Petitioner otherwise has been behind bars since the last about 2 ½ months. Conclusion of trial is likely to consume time inasmuch as 16 PWs

have been cited. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is however, direction that the aforesaid order shall be subject to the condition that the petitioner shall furnish voice sample, as and when directed, and not threaten the complainant, in any manner. In case, it is found that the petitioner does not cooperate for furnishing voice samples or is found to be intimidating the witnesses, it shall be open to the prosecution to move an application for cancellation of bail.

24.4.2023
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(GURVINDER SINGH GILL)
JUDGE

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