

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

CRM-M-19062-2023 (O&M)
Date of Decision:- 25.4.2023

Rakesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.P.Arora and Mr. Himanshu Arora, Advocates,
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

FIR No.	DATE	POLICE STATION	OFFENCES
02	25.01.2023	State Vigilance Bureau (SVB) District Karnal	7 of Prevention of Corruption Act, 1988, Section 120-B IPC (Section 7-A of Prevention of Corruption Act, 1988 added later on)

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 one Ram Pal against whom one FIR i.e. FIR No. 518, dated 20.11.2022, Police Station Kunjpura District Karnal, under Sections 147, 149, 427, 506 IPC was lodged.

Said complainant approached SHO Kuldeep Singh at Police Station Kunjpura who told the complainant to contact ASI Rakesh Kumar and that said Rakesh Kumar will get his job done. It is alleged that thereafter when the complainant met ASI Rakesh Kumar, he demanded an amount of Rs.80,000/- for cancelling the aforesaid case registered against him and further told the complainant that the said amount is to be shared with the Investigating Officer ASI Rajinder Singh, SHO Kuldeep Singh and the DSP. Since, the complainant was reluctant to pay the said amount, he contacted the Vigilance Bureau and consequently a trap was laid. However, the trap was unsuccessful as Rakesh Kumar refused to accept the same.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that even as per the case of prosecution the petitioner had refused to accept the money and as such there is no evidence to establish the allegations of any demand or acceptance of any bribe against the petitioner. Learned counsel has further submitted that since investigation already stands concluded he is not required to be detained any further.
4. On the other hand learned State counsel while opposing the petition has submitted that there is recording of audio conversation between the petitioner and the complainant indicating his complicity and as such no case for grant of bail is made out. It has however been informed that challan already stands presented but charges are yet to be framed and as many as 21 PWs have been cited.
5. This Court has considered the rival submissions.

6. Even if the allegations, as levelled against the petitioner including audio conversation are taken to be correct, still this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 3 months and challan already stands presented. The trial is yet to commence and as many as 21 PWs have been cited. In these circumstances, further detention of the petitioner would not be justified as conclusion of trial is likely to consume 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.

25.4.2023
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(GURVINDER SINGH GILL)
JUDGE

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