

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20662-2023 (O&M)
Date of Decision:- 24.5.2023

Sahab Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Vashisth, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana,
assisted by Inspector Somesh Kumar, ACB, Ambala.

FIR NO.	DATE	POLICE STATION	OFFENCES
5	1.3.2023	State Vigilance Bureau Ambala	Section 7 of the Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case arising out of above mentioned FIR.
2. The FIR was lodged on the basis of a complaint made by Kuldeep Singh wherein it is alleged that he (Kuldeep Singh) had taken Knight Rider Hotel, Barara Road, Shahabad on rent since December, 2022. S.I. Sahab Singh was posted as Incharge, Police-Post Shahabad City and ever since the day when the complainant had taken the hotel on rent, he had constantly been harassing him and demanding a sum of Rs. 10,000/- per month while holding out threat that in case the said amount is not paid by the complainant, he will not be allowed to run the hotel. It is alleged by the

complainant that upon getting frustrated, he paid a sum of Rs. 4,000/- to S.I. Sahab Singh on 9.2.2023 but Sahab Singh kept on insisting for the balance amount of Rs.6,000/-. The complainant, however, had been trying to negotiate and had said that he will be able to pay another amount of Rs.4,000/- only and not Rs. 6,000/-. The complainant recorded the audio-video conversation in his mobile phone in respect of the said demands.

3. Pursuant to the applicant having moved an application dated 15.2.2023 before DSP, Anti-Corruption Bureau (ACB), Panchkula, against S.I. Sahab Singh, it was planned that Sahab Singh should be caught red-handed but S.I. Sahab Singh proceeded on leave. Later on 28.2.2023, complainant visited ACB Branch, Panchkula and informed the Investigating Officer that S.I. Sahab Singh had come to know about the application and as such, he could not be caught red-handed and that legal action be taken on the basis of his application as it is. It was on the basis of such allegations that the FIR came to be lodged.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to establish the allegations levelled against him and that he had neither ever demanded any illegal gratification nor had ever accepted any such amount. It has further been submitted that there is a delay of about 15 days in lodging the FIR which would render the FIR highly doubtful. The learned counsel has further submitted that no authenticity can be attached to the alleged audio-video recording and that as such, it cannot be said that the complainant had raised any demand or accepted any amount. It has further been pointed out that the antecedents of the complainant are also not clean inasmuch as he himself happens to be involved in two more cases

i.e. FIR No. 652 of 2021 registered under Sections 148, 149, 323, 341, 506 IPC and Section 25 of the Arms Act at Police Station Shahabad and FIR No. 538 of 2021 registered under Section 3(i)(r)(s) of the SC/ST Act at Police Station Shahabad.

- 5. The learned State counsel, on the other hand, has submitted that apart from the allegations as levelled in the FIR, the transcript of the audio-conversation as annexed with the reply filed by the State show the complicity of the petitioner.
- 6. This Court has considered rival submissions addressed before this Court.
- 7. A perusal of the FIR would indicate that specific allegations have been levelled against the petitioner pertaining to demand of illegal gratification and having accepted the amount of Rs.4,000/- from the complainant. The transcript of the audio-conversation, as annexed with the petition, shows that some negotiations had taken place between the complainant and the petitioner with respect to the amount.
- 8. In view of the aforestated position, this Court is of the opinion that no special case for grant of anticipatory bail is made out.
- 9. The petition is sans merit and is hereby dismissed.

24.5.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No