

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-22095-2023 (O & M)
Date of Decision: August 08, 2023

MAHABIR

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

A Coordinate Bench of this Court had passed the following order
on 02.05.2023:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.10 dated 17.4.2023, Police Station Anti Corruption Bureau, Karnal, under Section 7 of Prevention of Corruption Act, 1988 (Section 7 of Prevention of Corruption Act deleted later on and Section 7-A of Prevention of Corruption Act and Section 120-B IPC added).

As per the case of prosecution, the complainant had met Ramdia, Kanungo, in his office at Tehsil Alewa in connection with a partition case and that said Ramdia, Kanungo demanded an amount of Rs.18,000/- for the purpose of preparing *Naksha-Be*. The matter was settled at Rs.15,000/- and an amount of Rs.5000/- was paid on the same date while the remaining Rs.10,000/- was to be paid later. However,

since the petitioner did not wish to pay the said amount he reported the matter to the police and accordingly a trap was laid and aforesaid Ramdia, Kanungo was caught red-handed.

It is further the case of prosecution that during the course of investigation Ramdia disclosed that as a matter of fact he is a retired Kanungo and had been asked by the petitioner who is the present Kanungo, to do the work of demarcation and that it was at his instance that he had demanded the amount in question.

Learned counsel for the petitioner submits that he was nowhere ever in the picture and that neither the complainant had ever met him nor the petitioner had ever raised any demand nor any amount was recovered from him and that it is the co-accused who is attributed all these acts and as such *the petitioner cannot be connected with the alleged factum of demand or recovery of bribe.*

Notice of motion for 08.08.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from SI Baljit Singh, states that the petitioner has joined investigation and is not required for custodial interrogation.

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In view of the above and the petitioner having joined investigation, the order dated 02.05.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

August 08, 2023
A.Kaundal

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