

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

(I) CRM-M-23563-2023 (O&M)
Date of Decision:- 29.8.2023

Rajesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

(II) CRM-M-14406-2023 (O&M)

Vinod Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Lamba, Advocate, for the petitioner
in CRM-M-23563-2023.

Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Shiv Kumar Sharma, Advocate, for the petitioner
in CRM-M-14406-2023.

Mr. Sharad Aggarwal, DAG, Haryana.

Mr. Nafeesh Ahmed, Advocate, for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
25	12.10.2022	SVB Hisar, District Hisar	7, 13 (1) (b), 13(2) of Prevention of Corruption Act, 1988 and Section 120-B IPC.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Rajesh Kumar and Vinod Kumar, seek grant of anticipatory bail in a case arising out of above mentioned FIR.
2. The FIR came to be lodged at the instance of Gurpreet Singh wherein he alleged that he got in touch with one Prabhu Dayal who was working as a Home Guard and employed in Police Line, Sirsa. It is alleged that Prabhu Dayal represented to the complainant that he could arrange for recruitment as a Home Guard and that even on earlier occasions he had got as many as 41 persons recruited and that the recruitment would cost Rs.3.5 lakhs out of which Rs.2.2 lakhs is to be paid in advance while the remaining is to be paid later. Upon making further queries, aforesaid Prabhu Dayal disclosed that a part of the amount is to be paid to Vinod Kumar who would further pass on the same to Centre Commander Rajesh Kumar Bumra. It is further the case of the complainant that the matter was settled at Rs.1 lakh out of which he initially paid an amount of Rs.15000/- on 10.10.2022 while the balance was to be paid later. It is further the case of the complainant that since he did not wish to pay the aforesaid amount, he reported the matter to the Vigilance Bureau. A trap was accordingly laid and aforesaid Prabhu Dayal was caught red-handed.
3. Learned counsel for the petitioners submit that neither Vinod Kumar nor Rajesh Kumar can be connected with the alleged scam and that at best it would be a case where Prabhu Dayal could be using their names so as to deceive innocent gullible persons looking for jobs. It

has further been submitted that even on earlier occasion one Balwinder Singh levelled similar allegations against both the petitioners which were duly inquired into by the Department, but both of them were exonerated.

4. Opposing the petition, learned State counsel has vehemently argued that since the substantial part of the allegations stand established upon arrest of Prabhu Dayal from whom tainted currency notes were recovered, there is no room to disbelieve the remaining part of allegations as regards the involvement of the present petitioners. It has further been submitted that the very fact that similar allegations came to be lodged earlier by one Balwinder Singh also reflects on conduct of the petitioners and shows that they have been indulging into acts of corruption while misusing their position holding high ranking position.
5. This Court has considered the rival submissions.
6. It is not in dispute that it is only Prabhu Dayal who was caught red handed. Neither the petitioners were present at the spot nor any other convincing evidence is available to connect them with Prabhu Dayal. Despite a period of more than 10 months having elapsed since the lodging of the FIR, no effort seems to have been made to collect even the 'Call Detail Record' which could furnish some evidence in respect of the matter in hand.
7. Having regard to the aforestated position i.e. absolute lack of evidence at this stage against the petitioners, both the petitions merit acceptance and the same are accepted. In the event of arrest, the

petitioners be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

8. A photocopy of this order be placed on the file of each connected cases.

29.08.2023

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(GURVINDER SINGH GILL)
JUDGE

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