

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

CRM-M-24897-2023 (O&M)
Date of Decision:- 22.05.2023

Mukesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Sant Ram.

FIR NO.	DATE	POLICE STATION	OFFENCES
006	17.3.2023	Anti Corruption Bureau, District Faridabad	7, 7A, 13(1)(b) read with 13(2) of the Prevention of Corruption Act

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 Jayant Sharma wherein it is alleged that he had purchased a flat in Subagya Apartment, Sector 21-D, Faridabad from Samir Sarup Mathur. When the complainant approached the Cooperative Society for transfer of the flat in his name, then the private Accountant Amit of the said society asked the

complainant to come after 2-3 days. The complainant met Inspector Mukesh who demanded an amount of Rs.40,000/- as bribe for transferring the flat and told the complainant to pay the said amount to Accountant Amit. The complainant recorded the said conversation. Since the complainant did not wish to pay the said amount, he reported the matter to Vigilance Bureau. A trap was accordingly laid and Amit was caught red-handed while accepting Rs.40,000/-.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is no evidence to substantiate the allegations of demand or acceptance of any bribe and that it is from the co-accused Amit that an amount of Rs.40,000/- was allegedly recovered.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there are specific allegations and audio recording as well, his complicity is clearly evident. Learned State counsel has however, informed that investigation already stands concluded and that the petitioner as on date has been behind bars for the last about 2 months and 03 days. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions.
6. Although specific allegations are there but having regard to facts that the petitioner has been behind bars for the last more than 2 months and is not stated to be involved in any other case, his further

detention 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.

22.05.2023

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(GURVINDER SINGH GILL)
JUDGE

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