

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32881-2023 (O&M)
Date of Decision:- 17.7.2023

Sushil Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Akshay Jindal, Mr. Pankaj Gautam and
Ms. Mannat Sibal, Advocates for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 4, dated 7.2.2023 at Police Station State Vigilance Bureau, District Karnal, under Sections 7, 7- A, 13, 13(1)(B) read with Section 13(2) of the Prevention of Corruption Act and Section 120-B IPC.
2. The translated gist of FIR reads as under :-

“On 7-02-2023, the complainant Dalbir Singh S/o Ramniwas R/o Village Alipura, Tehsil Unchana, District Jind handed over his complaint to Inspector Sachin wherein he had alleged that a case bearing FIR No. 946 of 2022 is registered against his friend Amir Singh and his family members in Police Station Old Industrial Area, Panipat wherein investigation is being

conducted by the present petitioner HC Pratibha and during the investigation, on 6-2-2023, complainant along with his friend Amir Singh and family members had gone to the office of DSP where his reader ASI Sushil Kumar (co-accused) enquired the facts from them and ASI Sushil Kumar, reader and HC Pratibha called him separately and ASI Sushil Kumar told him that he alongwith HC Pratibha would delete the section 377 of IPC from the above said FIR and would also get cleared the names of other Family members from DSP Sandeep Kumar but for that he had to pay some amount to them. Upon asking, ASI Sushil Kumar, reader told him to pay Rs. 1,50,000/- ie. Rs.50,000/- for SHO Narender, Rs. 50,000/- for HC Pratibha and remaining Rs. 50,000/- for himself and DSP Sandeep Kumar. Subsequently, the complainant paid Rs. 40,000/- to ASI Sushil Kumar, reader after taking from Amir and out of the balance amount Rs.50,000/- is to be paid to HC Pratibha and Rs. 60,000/- is to be paid to ASI Sushil Kumar today but they did not want to give the bribe money to them. Upon which the present Case FIR No. 04 dated 7-02-2023 was registered u/s 7 PC Act 1988 and 120-B IPC (section 7A, 13(1) (b), 13 (2) PC Act 1988 added subsequently) in Police Station, State Vigilance Bureau, Karnal Range, Karnal (now Anti Corruption Bureau).”

3. Pursuant to receipt of aforesaid information from the complainant, the Vigilance Bureau laid a trap to catch the accused red handed. The serial numbers of the currency notes of Rs. 1.10 lacs produced by the complainant

has been taken down and the said currency notes were smeared with *phenolphthalein* powder. As planned, when the complainant handed over the amount to the petitioner, he was caught red handed while accepting the amount of Rs. 1.10 lacs.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he could not have possibly helped the complainant in any manner in deletion of offence of Section 377 IPC. It has further been submitted that since co-accused Head Constable Pratibha had already been extended the concession of anticipatory bail by this Court vide order dated 14.3.2023, the petitioner deserves to be released on regular bail particularly when investigation had already concluded and challan stands presented.
5. Opposing the petition, the learned State counsel has submitted that the petitioner is the main accused from whom recovery of Rs. 1.10 lacs was effected and that as such, his complicity is clearly evident. The learned State counsel has, however, informed that in the present case investigation had already concluded and challan stands presented and that charges are yet to be framed. It has also been informed that the petitioner has been behind bars since the last about 5 months and the petitioner otherwise is not involved in any other case.
6. This Court has considered rival submissions addressed before this Court.
7. While there are specific allegations levelled against the petitioner, but this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of about 5 months and is stated to be not involved in any other case. Challan already stands presented. Conclusion of trial is

likely to consume time inasmuch as trial has not even commenced till date and charges are yet to be framed. In these circumstances, further detention of the petitioner will not serve any useful purpose.

8. 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.

17.7.2023

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(Gurvinder Singh Gill)

Judge

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