

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-34153-2023 (O&M)

DATE OF DECISION: 01.08.2023

KRISHAN KUMAR

... Petitioner (s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.0133 dated 14.05.2023, under Sections 218 and 389 of the Indian Penal Code, 1860, and Sections 7, 10 and 55 of the Prevention of Corruption Act, 1988, registered at Police Station Ram Nagar, Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner has been arraigned as an accused only on the statement of the co-accused SI Chandreshwar, who had stated that the money had been demanded on behalf of the petitioner as well. He further submits that besides the statement of the co-accused there is no other *prima facie* material to connect the petitioner with the commission of offence. The conversations are between the co-accused Balwan and Sukhdev which involves payment of money meant for Balwan.

Reply by way of an affidavit of DSP, City Karnal filed by the learned State counsel is taken on record. He, while referring to the reply, submits that the petitioner was the Investigating officer in FIR No. 94/23 registered under Sections 18 and 25 of the NDPS Act in which the alleged recovery of 995 grams of opium had been effected but it was shown as 467 grams only in recovery memo. He has referred to the call details between the petitioner and the co-accused Balwan. He further submits that he has shown less recovery and two witnesses to the memo of recovery had also stated that they did not go to the spot and had appended their signatures at the behest of the petitioner. He has also referred to the transcript of the conversation between one Sukhdev who is a relative of the accused, who was

arrested with the contraband and the co-accused Balwan. There are several calls between the petitioner and SI Balwan on 08.05.2023 and 09.05.2023. The contraband had actually been recovered on 08.05.2023 but it was erroneously mentioned in the recovery memo that it was recovered on 07.05.2023. The deal was struck for Rs.1,20,000/-.

Heard.

The allegations against the petitioner are that he was the Investigating Officer when the recovery of the alleged opium weighing 995 grams had been effected from the accused in FIR No.94/23 but it was shown as 467 grams to help the accused. There is telephonic conversation between the co-accused SI Balwan and aforementioned Sukhdev which indicates that money had been paid for weakening the drug case to help the accused.

In view of the serious allegations against the petitioner, I do not deem it appropriate to grant him the concession of anticipatory bail.

The petition stands dismissed.

Pending application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

01.08.2023

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No