

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

205

CRM-M-38235-2022 (O&M)

Date of Decision: 28.02.2023

Rajender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: M/s Madan Sandhu, Shashi Shanker & Sidharth Choudhary,
Advocates, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.319 dated 16.12.2021 at Police Station Line Par Bahadurgarh, District Jhajjar, under Sections 120B/409/420 IPC and Sections 379/381/411/34 IPC and Sections 7/12/13(1)(a) of the Prevention of Corruption Act.
2. The FIR was lodged at the instance of Raj Kumar, wherein it has been stated that on 15.12.2021 at about 10.00 PM, his cousin Umesh called on complainant's mother's mobile number and told him that he alongwith one of his friend is coming over to the complainant's house. Said Umesh and his friend reached the complainant's house at about 12 midnight and they were found to be carrying a suitcase and 3 bags. Although the complainant asked them about the reason for coming so late, but Umesh

and his friend did not furnish any justifiable reason and on account of which the complainant got suspicious. Later, the complainant's father received a telephonic call from Geeta Choudhary on his mobile, which was attended by the complainant and that said Geeta Choudhary asked the complainant as to whether Umesh had come over to the complainant's house to which the complainant replied that Umesh and his friend were there. Said Geeta Choudhary informed that Umesh and his friend had stolen jewellery from her house and that they should not be allowed to leave. The complainant thereafter called the police. Upon checking of the suitcase and the bags, the same were found to contain several wads of currency notes of denominations of Rs.500/- and Rs.2000/-. Shortly, thereafter HC Rajender (petitioner) and Home Guard Shankar also came to the complainant's house and thereafter they all went to the police station. Later, Geeta Choudhary also reached at the police station and upon checking the bags containing currency notes, Geeta Choudhary said that an amount of Rs.50 lakhs was missing/less. It has been alleged that HC Rajender had kept the said 'missing' amount with him and had not taken appropriate action.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that as a matter of fact when the statement of Prashant Kumar i.e. husband of Geeta Choudhary was recorded, he stated that the total amount which had been stolen from his house was Rs.50 lakhs, which belonged to his relative and another amount of Rs.6.5 lakhs apart from artificial jewellery, clothes, silver *payal* etc. Prashant Kumar in his statement (Annexure P-3) further stated

that upon checking the amount, an amount of Rs.40 lakhs was found deficient. Learned counsel has further submitted that as a matter of fact an amount of Rs.40 lakhs was got recovered at the instance of one Sandeep and that the same cannot be attributed to the petitioner. Learned counsel has, thus, prayed for grant of regular bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there are specific allegations to the effect that he has misappropriated the amount, which was got recovered from Umesh and his friend, his complicity is clearly evident. It has further been submitted that the petitioner being a member of the disciplined force i.e. Police was expected to act in an appropriate manner and not to misappropriate the amount. Learned State counsel has further submitted that during the course of investigation, statement of Sandeep was recorded, who categorically stated that the said amount had been handed over to him by the petitioner while stating that a raid had been conducted in the house of his brother-in-law. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 3 months. It has also been informed that charges are yet to be framed and as many as 19 PWs have been cited. It has also been informed that 2 other co-accused, who had already been granted bail, have jumped bail and non-bailable warrants have been issued against them. Learned State counsel has, thus, submitted that the petitioner does not deserve the concession of bail particularly in view of the fact that he happens to be involved in one more case of similar nature.

5. This Court has considered rival submissions.

6. It is no doubt correct that specific allegations have been leveled against the petitioner and he is alleged to have misappropriated the amount recovered from Umesh and his friend, which they had allegedly stolen from the house of Geeta Choudhary. However, this Court finds that the petitioner has been behind bars for a substantial period of about 1 year & 3 months and that trial has not even commenced inasmuch as charges have not been framed so far and as many as 19 PWs have been cited. The trial is likely to be delayed further as 2 of the co-accused had jumped bail and their presence is yet to be secured. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.
7. It is, however, made clear that in case the petitioner is found to be misusing the concession of bail and intimidating or threatening any witnesses or tampering with evidence, it shall be open for the prosecution to move for cancellation of bail granted to the petitioner.

28.02.2023

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(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**