

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

(I)

CRM-M-50250-2022 (O&M)

Date of Decision:- 18.1.2023

Shailender Singh

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-51293-2022 (O&M)

Dasrath Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Rai, Senior Advocate with
Ms. Radhika, Advocate, for the petitioner(s).

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Shailender Singh and Dasrath Singh, seek grant of regular bail in a case registered vide FIR No.0015, dated 12.8.2022, Police Station City State Vigilance Bureau, Rohtak, District Rohtak, under Section 7 of Prevention of Corruption Act,

1988 (Sections 7A, 13(1)(b) r/w 13(2) and 8 of Prevention of Corruption Act, 1988 added later on).

2. Status report by way of affidavit of Jaipal Singh, Deputy Superintendent of Police, State Vigilance Bureau, Unit Sonipat has been filed respectively. The same are taken on record.
3. The case of prosecution, in nutshell, is that complainant Manish Bhardwaj was booked in FIR No.295 of 2022, Police Station Chitarkut, Rajasthan for offences under Sections 384, 504, 506 IPC and Sections 66-C/66-D of IT Act. The complainant alleged that Dasrath Singh, Reader to SHO at Police Station, Chitrakut, though Shailender Singh telephonically called the complainant and stated that the case against the complainant Manish Bhardwaj could be hushed up, in case the complainant pays an amount of Rs.20 lacs. The amount was settled at Rs.6 lacs. It is alleged that on 28.7.2022 an amount of Rs.20,000/- was paid by complainant through Paytm to one Vijay Kumar and another amount of Rs.20,000/- on 12.8.2022 to one Digvijay through Paytm. Since, the complainant did not wish to pay the remaining amount, he reported the matter to Vigilance Bureau, Haryana and a trap was laid and consequently Dasrath along with Shailender Singh were caught red-handed while accepting bribe of Rs.80,000/-.
4. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and have rather been made a scapegoat inasmuch as no action has been taken against the SHO till date. Learned counsel has further submitted that in any case,

since challan qua the petitioners already stands presented and the trial has not been commenced till date and as many as 19 PWs have been cited, further detention of the petitioners would not be justified.

5. Opposing the petitions, learned State counsel has submitted that since, the petitioners were caught red-handed while accepting tainted currency notes and as a matter of fact there is audio recording also in respect of the conversation which had taken place between the complainant and Dasrath, the complicity of the petitioners is clearly evident. It has also been submitted that statements of Vijay and Digvijay in whose accounts the complainant had paid Rs.20,000/- and Rs.20,000/- respectively, have also been recorded in terms of Section 164 Cr.P.C. which also substantiates the allegations against the petitioners. Learned counsel has however, informed that the petitioners have been behind bars since the last about 5 months and that as many as 19 PWs have been cited. It has also been informed that the petitioners are not involved in any other case.
6. This Court has considered the rival submissions.
7. Without commenting anything as regards the merits of the case but while noticing that the petitioners have been behind bars for a substantial period and otherwise enjoy a clean record and also that conclusion of trial is likely to consume time inasmuch as trial has not even commenced, further detention of the petitioners is not justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is however, made clear that the aforesaid order shall be subject to the condition that the petitioners shall furnish their voice samples, as and when directed. In case, the petitioners do not cooperate for the same, it shall be open to the prosecution to move an application for cancellation of their bail.
9. A photocopy of this order be placed on the file of each connected case.

18.1.2023
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(GURVINDER SINGH GILL)
JUDGE

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