

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

CRM-M-52576-2022 (O&M)
Date of Decision:- 28.02.2023

Dharampal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Dinarpur, Advocate, with
Mr. Aman Godara, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Satyapal.

GURVINDER SINGH GILL, J. (Oral)

CRM-9564-2023

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of bail rejection order dated 07.11.2022 is taken on record as Annexure P-3, subject to all exceptions.

Main case

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 19, dated 23.8.2022, Police Station SVB Hisar, District Hisar, under Section 384 of IPC and Section 7, 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, 1988.

2. Reply by way of affidavit of Mr. Surender Pal, Deputy Superintendent of Police, State Vigilance Bureau (H), Hisar, has been filed. The same is taken on record. A copy of the same has been furnished to learned counsel opposite.
3. The allegations, in nutshell, are that the petitioner had accepted an amount of Rs.15,000/- from the complainant as illegal gratification for not taking any action against the complainant who had handed over his official weapon to a civilian who had further taken pictures. The petitioner, as per the case of prosecution had been caught red-handed and an amount of Rs.15,000/- and also the arms licence of the complainant was recovered from him.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since investigation is complete, further detention of the petitioner is not required for any useful purpose.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is a member of disciplined force i.e. of the Police and that apart from the recovery of the tainted currency notes, there is audio recording of the conversation which had taken place between the complainant and the petitioner which will clearly show the complicity of the petitioner. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 6 months and challan already stands presented. It has also been informed that while charges have been framed, but none out of the cited 22 Pws has been examined so far.

6. This Court has considered rival submissions.
7. It is correct that the petitioner is alleged to have been caught red-handed while accepting illegal gratification of Rs.15,000/-. However, investigation is complete and challan stands presented. Conclusion of trial is likely to take time inasmuch as 22 PWs have been cited. 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. The aforesaid order shall however, be subject to the condition that the petitioner shall furnish voice samples, as and when directed, and not threaten the witnesses, in any manner. In case, it is found that the petitioner does not cooperate for furnishing voice sample or is found to be intimidating the witnesses, it shall be open to the prosecution to move an application for cancellation of bail.

28.02.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

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