

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

CRM-M-52745-2022 (O&M)
Date of Decision:- 30.1.2023

Jaideep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajinder Goel, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 21, dated 30.8.2022, Police Station State Vigilance Bureau, Hisar, under Sections 7, 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, 1988.
2. The FIR was lodged at the instance of Jagatpal, wherein it is alleged that he is a Government Ration Depot Holder and that in lieu of distribution of ration to the General Public, he gets an amount of Rs.150/- per quintal as commission, on the ration so distributed. It is further alleged that in the month of July 2022, an amount of Rs.86,423/- had been released to him as commission and thereafter Jaideep, Food and Supply Inspector, upon coming to know about the

same, started demanding an amount of Rs.10,000/- as bribe and extended threats that in case the same is not paid, he will get the supplies discontinued to complainant's ration depot. Since, the complainant did not wish to pay the said amount, he reported the matter to the Vigilance Bureau. A trap was laid and the petitioner was caught red-handed.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that it is a case where admittedly the entire amount of commission i.e. an amount of Rs.86,423/- already stood released and as such there would hardly be any occasion for the petitioner to demand any bribe.
4. Opposing the petition, learned State counsel has submitted that since the petitioner by way of issuing threats had been demanding an amount of Rs.10,000/- and as a matter of fact he was caught red-handed and an amount of Rs.10,000/- was recovered from him and that there is audio recording as well between the complainant and the accused, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars for the last 5 months and otherwise does not stand involved in any other case. It has further been informed that charges have been framed and that none out of the cited 21 PWs has been examined till date.
5. This Court has considered the rival submissions.
6. There indeed are specific allegations against the petitioner which seem to be *prima facie* established from the factum of recovery of

Rs.10,000/- from the petitioner. However, this Court cannot lose sight of the fact that the petitioner has been behind bars since the last about 5 months and trial has not even commenced inasmuch as none out of the cited 21 PWs have been examined till date. In these circumstances, further detention of petitioner is not justified. 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.

7. It is however, directed that the petitioner shall make himself available for the purpose of furnishing his voice samples as and when directed. In case, the petitioner does not co-operate for the same, it shall be open to the prosecution to move an application for cancellation of bail.

30.1.2023

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**(GURVINDER SINGH GILL)
JUDGE**

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