

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

CRM-M-57171-2022 (O&M)
Date of Decision:-6.2.2023

Kanhiya Lal	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bharat Bhushan Sharma, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by DSP Anil Yadav.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.29, dated 31.8.2022 at Police Station State Vigilance Bureau, Faridabad, District Faridabad, under Section 7 of Prevention of Corruption Act, 1988.
2. Mr. Bharat Bhushan Sharma, Advocate has put in appearance on behalf of the petitioner and has filed *Vakalatnama* after obtaining NOC from the previous counsel, which is taken on record.
3. The allegations, in nutshell, are that the petitioner, who was employed as a Clerk in Municipal Corporation, Faridabad had demanded and accepted an amount of Rs.50,000/- from the complainant in lieu of reducing the property tax as had been levied on the shop of the complainant.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, since investigation is already complete, his detention will not serve any useful purpose.

5. Opposing the petition, learned State counsel has submitted that since it is a case where the petitioner was caught red handed while accepting the bribe, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months and 6 days and otherwise is not involved in any other case. It has also been informed that no PW out of the cited 15 PWs has been examined till date.
6. This Court has considered the rival submissions.
7. It is the case where the prosecution alleges that the petitioner was caught red handed while accepting the bribe of an amount of Rs.50,000/-. The investigation is already complete and challan stands presented. Conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 15 PWs has been examined so far. The petitioner is not stated to be a previous convict and is not stated to be involved in any other case. 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.
8. It is further directed that the petitioner would be obliged to furnish his voice sample as and when directed. In case, the petitioner does not cooperate for the same, it shall be open for the prosecution to move for cancellation of bail.

6.2.2023

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No