

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58870-2022 (O&M)

Date of Decision:- 4.5.2023

... Petitioner

Naresh

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashwani Gaur, Advocate, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
32	20.10.2022	State Vigilance Bureau, Faridabad	7, 7A, 13(1)(B) read with 13(2) of the Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Aalim wherein it is alleged that he was in possession of land measuring one acre owned by custodian department, which was being cultivated by his predecessors-in-interest since long and *Khasra Girdawari* had been recorded in his name. However, one Jameel filed an application before Sushil Sharma, DRO Hathin for effecting correction in *Khasra Girdawari*. The said Sushil Sharma was posted as DRO at Palwal but was having additional charge of Hathin. The complainant alleged that on 17.8.2022, Daya Ram, Reader to DRO told the complainant that his work shall be done in case he pays an amount of Rs. 2

lacs. Said Daya Ram introduced the complainant and his son Naeem to Sushil Sharma, DRO who assured that he would dismiss the application filed by Jameel but the complainant should pay an amount of Rs. 2 lacs. DRO told the complainant to pay the said amount to his Peon Naresh Kumar (petitioner). It is alleged that Naresh Kumar (Peon) and Daya Ram, Reader took the complainant and his son aside near a stair case where they asked for the amount and the complainant who had an amount of Rs. 1 lac paid the same to Naresh (petitioner), while another Rs. 5,000/- was paid to Daya Ram. Thereafter, when the complainant reached back home at Hathin, Daya Ram asked him to pay the balance amount as well. The complainant alleged that on 19.10.2022 Daya Ram, Reader called the complainant at Hathin and told him to deliver the remaining amount at the house of Viru, Advocate and that Viru would hand over a copy of the order. When the complainant said that he had only Rs. 50,000/- with him, Daya Ram agreed for the same. However, since the complainant did not wish to pay the said illegal gratification, he reported the matter to the Vigilance Bureau. A trap was laid and Viru was caught red handed while accepting an amount of Rs. 50,000/- from the complainant. The complainant further stated therein that he had recorded the conversation which had taken place between him and Daya Ram, Reader as well as with Viru, Advocate and Naresh Kumar, Peon pertaining to demand of illegal gratification.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that he was also part and parcel of the alleged demand or acceptance of bribe. It has been submitted that the petitioner is working as a mere Peon and would have no role in preparation or correction

of any revenue documents. It has been submitted that since it is Viru who had been caught red handed while accepting bribe of Rs. 50,000/-, it is the said Viru only who could be said to be involved and not anybody else. The learned counsel has further submitted that although the prosecution claims to have some audio-conversation, the transcripts of which have been annexed as Annexures R-1 to R-5, but the same also do not reveal that the petitioner had made any kind of demand of bribe.

4. Opposing the petition, the learned State counsel has submitted that although it is correct that it is the co-accused Daya Ram, Reader and Sushil Sharma, DRO who had initially raised the demand but the participation of the petitioner is very much evident from the audio-conversation which had taken place between the complainant and the petitioner over telephone. The learned State counsel has further submitted that since co-accused Viru had been caught red handed while accepting a part of the illegal gratification, the case of the prosecution qua the role of all the accused in giving effect to their designs cannot be doubted in any manner.
5. This Court has considered rival submissions addressed before this Court
6. As per the case of prosecution, initially an amount of Rs. 1 lac meant for DRO was handed over to the petitioner as the DRO had told the complainant to hand over the same to the petitioner who was working as a Peon in the office of the co-accused Sushil Sharma, DRO. A perusal of the transcripts of the audio-conversation which had taken place between the petitioner and the complainant and which are annexed as Annexures R-1 to R-5 show that the petitioner was actively in touch with the complainant and there are references to payment of the amount to the DRO. Though, it is correct that

the genuineness of the said audio-conversation is yet to be established but having regard to the fact that pursuant to the complaint having been made by the complainant to the Vigilance Bureau, a trap was laid and Viru to whom the balance payment of Rs. 50,000/- was to be paid, he caught red handed while accepting the said amount, this Court does not find any ground to disbelieve the complainant or the prosecution version as spelt out by him, particularly when the audio-conversation also is in tune with the said version of the complainant.

7. In these circumstances, this Court does not find any special case for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

4.5.2023
kamal

(Gurvinder Singh Gill)
Judge

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