

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.56930 of 2023**

Date of decision: 14<sup>h</sup> November, 2023

Krishan Kumar

... Petitioner

Versus

Central Bureau of Investigation

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Arvinder Arora, Advocate for the petitioner.

**MANJARI NEHRU KAUL, J.**

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.RC0052023A0028 dated 06.10.2023 under Sections 120-B IPC and Section 7 of the Prevention of Corruption Act, 1988 registered at Police Station CBI, ACB, Chandigarh.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the case in hand for allegedly receiving illegal gratification of ₹ 2.50 lacs from the complainant so as to help his brother, who is accused in a criminal case. Learned counsel submits that the petitioner, despite expressing his readiness to cooperate with the investigating agency, had been declined the concession of anticipatory bail by the learned trial Court.

3. Notice of motion.

4. Mr. Rajeev Anand, Advocate and Standing Counsel for the CBI, who is present in Court, accepts notice on behalf of the respondent/CBI. While opposing the prayer and submissions made by the counsel opposite, he has submitted that specific complaint was made with respect to the petitioner and co-accused demanding illegal gratification for exonerating brother of the complainant in a case registered by the GST; however, after accepting the tainted money, the petitioner, who is a police official, managed to slip away along with the tainted money. Learned counsel further submits that custodial interrogation of the petitioner is required for the purpose of not only investigation of the case but also for recovery of the tainted money. It has been submitted that in case the petitioner is extended the concession of regular bail, there is every possibility that he could create hindrance in the investigation of the case in hand.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Prima facie, there are specific and serious allegations levelled against the petitioner, in the FIR, which has been annexed as Annexure P-1. The petitioner, who is a Sub Inspector of Police, along with co-accused SI Akhtar Hussain of Economic Offences Wing, Chandigarh, demanded bribe to exonerate the brother of the complainant in a case registered against him by the GST. The investigating agency, on being approached by the complainant, laid a trap and the bribe money of ₹ 2.50 lacs being demanded, was handed over by him to the petitioner and co-

accused Akhtar Hussain, however, the petitioner managed to slip away along with the tainted money, while the co-accused Akhtar Hussain was apprehended at the spot.

7. In the circumstances, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner, as this Court concurs with the submissions of learned counsel for the respondent that custodial interrogation of the petitioner would be necessitated for fair investigation of the case in hand. The petition is accordingly dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

November 14, 2023

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |