

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-8596-2024
Decided on: 19.03.2024

Satish Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
3	23.01.2024	Anti Corruption Bureau, Rohtak	13(1)(e) & 13(2) of PC Act 1988

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 19.02.2024, this Court had granted interim bail to the petitioner and the said order is continuing till date. On 12.03.2024, when the matter was taken up petitioner’s counsel on behalf of the petitioner submitted that he would demonstrate his honesty by voluntarily declaring his assets as well as of his spouse and they shall not take such declaration as self incriminatory of violative of Article 20/21 of Constitution of India or any other fundamental right/law.
3. Petitioner’s counsel submits that he has complied with the previous order dated 12.03.2024 and voluntarily handed over the affidavit to the investigator. The investigator may verify such assets if required and proceed in accordance with law, if any anomalies found. The concerned investigator is further directed to forward one original copy of the affidavit to the petitioner’s employer within two weeks from today. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Counsel for the State opposes the bail.

5. Prosecution's case is being taken from the reply dated 04.03.2024, which reads as follows:-

"3. That the facts leading to the registration of the present FIR are that an enquiry bearing no. 05 dated 11.07.2018 Jhajjar was received from the office of Director, State Vigilance Bureau (for short SVB), Panchkula, Haryana, in the office of Superintendent of Police, SVB, Rohtak for conducting enquiry of the disproportionate assets acquired by Satish Kumar over and above his income when he was posted as Registry Clerk (RC)-cum-Computer operator at Jhajjar on DC rates and at present, Satish Kumar is working in the office of DTO, Bahadurgarh as Receipt Clerk with the allegations that, "In the year 2004, Satish Kumar was having one motor-cycle. At present Satish is having one godown of fire- cracker, four plots in Jhajjar, one plot in Gurugram, luxury car and he lives a luxurious life. He earns ₹20-30 thousand per day. District Information Technology Society (for short DI) issued licences, registration certificates (RC's) and registries at his instance and the person who was appointed on these seats have to pay ₹30-40 thousand to DI.

4. That on finding the matter related to District Jhajjar, enquiry in the afore said matter was entrusted to Jhajjar Anti-Corruption Wing upon which the enquiry in the afore said matter was conducted by Insp. Bijender, A.C.B, Jhajjar.

5. That during the enquiry, the petitioner was issued notice to join the enquiry, upon which the petitioner had joined the enquiry and sale deeds of the immovable property procured by him from 2004 till 2018 in the name of his wife or any other family member were produced, on the perusal of which, it was revealed that petitioner purchased a plot of 153 sq. yards in the name of his wife Munish within the Municipal Limits of Jhajjar vide sale deed no. 9058 dated 28.10.2011 from Satya Parkash son of Karan Singh for consideration of Rs. 7,65,000/-and paying Rs.43,500/- as stamp fees and registration charges paid by the petitioner in cash and the said plot was further sold to Smt. Sharmila wife of late Jal Singh for consideration of 12 ,25,000/- vide sale deed no. 5124 dated 22.11.2013. In the same manner, petitioner also purchased another plot of 126 Sq. Yards in Charkhi Dadri in the name of his wife vide sale deed no. 3717 dated 06.11.2013 for consideration of Rs. 2,77,500/-and by paying Rs.9,330/- as stamp fees and registration charges and another plot of 212 sq. yards within the Municipal Limit of Jhajjar was purchased vide sale deed no. 853 dated 13.05.2016 for consideration of Rs. 1,00,000/-and by paying Rs.1,18,500/- as stamp fees and registration charges.

6. That during the inquiry, it was revealed that the petitioner, purchased insurance policies from LIC From 01.04.2004 to 11.07.2018 in his name as well as in the name of his family member worth Rs. 4,11,733/ paid by the petitioner in cash.

7. That during the enquiry, bank account statements of petitioner were procured from his different bank's and on checking the statement of bank account no. 000000651012280990 of the petitioner maintained with Canara Bank w.e.f. 2006 to 2018, an amount of Rs. 18,82,100/- was found deposited therein and in account no. 000434001000672 with Central Co-

operative Bank Mini Sect. Jhajjar, an amount of Rs.28,27,900/- was also found deposited and were also withdrawn at different times, but the petitioner failed to give any satisfactory reply about source of income.

8. That after thorough enquiry, as per the income details of petitioner, property worth amounting to Rs. 20,42,500/- was purchased by him and an amount of Rs.47,10,000/- were deposited by the petitioner during the period from 01.04.2004 to 11.07.2018. During the afore said period, the petitioner showed his saving of Rs. 17,34,704/-.The petitioner acquired dis-proportionate assets worth Rs. 50,17,796/- over and above his income from 01.04.2004 to 11.07.2018.

9. That after the enquiry by the enquiry officer, the enquiry report in the matter was sent to the office of Superintendent of Police, ACB, Rohtak and further the same was sent to the office of Director, Anti Corruption Bureau (for short ACB), Panchkula, Haryana along with the recommendation for registration of FIR by the office of Superintendent of Police, ACB, Rohtak to Director, Anti Corruption Bureau (for short ACB), Panchkula, Haryana and after obtaining the said approval, the present FIR no.3 dated 23.01.2024 was registered at Police Station A.C.8. Rohtak, Distt. Rohtak for the commission of offences punishable Under Section 13(1)(e) and 13(2) of Prevention of Corruption Act against the present petitioner.

10. That during the course of investigation, the petitioner moved application for anticipatory bail before the court of Ld. A.S.J., Jhajjar which were dismissed vide order dated 24.01.2024 against which the petitioner has moved the Hon'ble High court vide the present petition.

11. That the Hon'ble High court was pleased to grant interim anticipatory bail to the present petitioners vide order dated 19.02.2024, consequently upon which the petitioner has joined the investigation of the case on 28.02.2024.

12. That apart from the present FIR, as per record no other FIR is found registered against the petitioner.

13. That as per the enquiry conducted by Anti-Corruption Bureau, Rohtak, the petitioner is found to have purchased property amounting to Rs. 20,42,500/-, deposited cash amount of Rs. 47,10,000/-in his bank accounts, purchased LIC policies and spent stamp charges for registration of sale deeds amounting to Rs. 11,09,315/- and hence acquired dis-proportionate assets worth Rs. 50,17,796/-(176.43%) from 01.04.2004 to 11.07.2018 over and above his income."

6. I have heard counsel for the parties and gone through the petition.

7. Considering the fact that the allegations pertain from 01.04.2004 to 11.07.2018 and the alleged disproportionate assets worth Rs.50,17,796/-, is connected with such a long period and petitioner's conduct of voluntarily declaring assets, petitioner makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial incarceration as necessary record has already been procured by the investigator.

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8. Given above, petition is allowed and interim order dated 19.02.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.03.2024
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.