

CRM-M-32362-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32362-2024
Reserved on: 01.08.2024
Pronounced on: 05.08.2024

Gourav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	18.06.2024	ACT, Hisar, District Anti Corruption Bureau Haryana, Haryana	7, 13(1)(b) r/w 13(2) of PC Act and Section 384 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 24.07.2024, which reads as follows:-

“That the brief facts of the case are that on 18.06.2024, complainant Vakil Chand S/o Surajbhan r/o village Suchan preferred an application to Sh. Sukhjeet Singh, Inspector in the office of Anti Corruption Bureau, Sub Center, Sirsa, alleging therein that his agricultural land falls on the Eastern side of Canal at Suchan Road of G.T. Road. Near his land, trees of forest departments are standing. Several people used to come at the bridge of canal for bathing and drinking liquor. Due to mischief of some one, those trees caught fire as a result of which some part of a 'kikkar' tree was burnt. For the above said damage, Gaurav (Petitioner), Guard of Forest Department, is demanding bribe of ₹14,000/- from him by saying that if the complainant would not pay the said amount then fine of ₹28,500/- will be imposed upon him. He did not know who had burnt the Kikkar tree. Complainant requested to take legal action against petitioner Gaurav. On the

CRM-M-32362-2024

basis of this complaint, the case FIR No. 15 dated 18.06.2024 u/s 384 IPC & 7, 13(1)(b) r/w 13(2) PC Act PS, ACB, Hisar was registered against the petitioner.

3. That during the course of investigation the raiding party was constituted and raid was conducted in accordance with law. On the signal of the complainant the raiding party apprehended the private person/labor Radha 24 Krishan son of Rajender Singh r/o Kumharia with bribed amount of Rs. 14,000/- and the person who was sitting on the chair. The amount of bribe of 14,000/- was recovered from the right hand of Radha Krishan and thereafter the petitioner Gourav was arrested. During further investigation relevant records were collected. The statement of the complainant & private person Radha Kirshan u/s 164 CrPC were also got recorded from the Court of Sh. Amit, JMJC, Sirsa.

4. That during the course of investigation the accused/petitioner Gourav was making calls to him frequently, on his cell-phone No.98130-12622 from his cell-phone No. 70153-92003, 99923-24286 and he was demanding aforesaid bribed amount of Rs.14,000/- from him and he (complainant) had recorded conversation in recorder device namely (Samsung) which was taken in possession.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel states on instructions that the petitioner shall voluntarily give his voice samples.

6. The State opposes bail.

7. As per the synopsis filed in the bail petition, the petitioner has been in custody since 18-06-2024. Given the bribe amount, penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest

CRM-M-32362-2024

Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.08.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.