

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33727-2024
Reserved on: 05.08.2024
Pronounced on: 30.08.2024

Ravi Parkash ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	03.05.2024	ACB, District Anti Corruption Bureau Haryana	7 of the PC Act

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 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case FIR are that Kulwinder Singh (Complainant) hereinafter referred to as the complainant was serving as Home Guard Department since 6/7 years and was relieved from duty in the month of October 2023. The complainant met petitioner/accused Ravi Parkash, who was posted with him in the office of Central Commander, District Sirsa on Home Guard Duty, who said to him that if he wanted to join in Home Guard, he would talk to his senior officials and appoint him on duty in lieu of Rs. 70,000/- as payment. It is alleged that complainant paid Rs. 60,000/- to petitioner/accused Ravi Parkash and he was demanding Rs. 10,000/- more, however, the complainant was not inclined to make such payment of Rs. 10,000/- to the said petitioner/accused Ravi Parkash. As such on the basis of these facts, a case FIR No. 10 dated 03.05.2024 u/s 7, 13(1)(b) r/w 13(2) (later on added) PC Act PS, ACB, Hisar registered against the petitioner/accused Ravi Parkash.”

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 State's counsel opposes bail.

6. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, per paragraph 8 of the bail petition, the petitioner has been in custody since 03-05-2024. Per the custody certificate dated 01.08.2024, the petitioner's total custody in this FIR is 2 months and 27 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

7. 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.

8. 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 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.

9. 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)	

10. 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.

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

12. 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.

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

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.