

CRM-M-36463-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36463-2024
Reserved on: 12.08.2024
Pronounced on: 30.08.2024

Dharmender @ Dharmu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0013	18.04.2024	Anti Corruption Bureau Karnal, District Karnal	7, 7A of Prevention of Corruption Act 1988 and 120- B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 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:

“That brief facts of case are that on 18-04-2024, the complainant Vikram S/o Umed Singh Rio Samalkha. District Panipat handed over his handwritten complaint to Inspector Tejpal. Anti Corruption Bureau, Karnal Range, Karnal, wherein he had alleged that his friend namely Narender S/o Omparkash R/o Panchi Jattan, District Sonipat and against his distant nephew namely Ankit, an FIR No. 49 dated 18-02- 2024 u/s 313, 323, 34, 376(2)(n), 506 IPC, has been lodged in Police Station, Sector 13/17, Panipat. In the said case, the name of the friend of complainant, namely Narender, have been got falsely recorded. As regard this, the complainant met Insp. Bilasha Ram, SHO Sector 13/17, Panipat and informed him about wrong/false mentioning of his friends name i.e. Narender in the said case. Upon which, SHO Bilasha Ram told the complainant that as regards the matter, he should meet petitioner-accused Dharmender @ Dharmu R/o village Panchi. who runs a Ganesh Medical

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Store at village Panchi and that complainant should talk to him after meeting. Thereafter, as per the asking of SHO Bilasha Ram, complainant again came alongwith Dharmender @ Dharmu and met co-accused/SHO in the police station. SHO after consulting Dharmender @ Dharmu, told the complainant that he had discussed the matter about the case with Dharmu and that the complainant should meet Dharmu and that no further talk as regards the case should be made him. Thereafter, the complainant came outside the police station and met petitioner-accused Dharmender @ Dharmu, who informed him that he had already talked with SHO as regards the case and further informed the complainant that the name of the complainant's friend namely Narender will be deleted from the said case and against the same he raised the demand of sum of Rs. 1,00,000/- (one lakh) as bribe. On account of being under pressure, complainant consented to give Rs. 1,00,000/- to Dharmender @ Dharmu. It was further averred that today Dharmender @ Dharmu had called the complainant alongwith a sum of Rs. 1,00,000/- as bribe for being delivered to SHO Bilasha Ram but the complainant didn't want to pay the bribe money to them. He (complainant) had also made the recordings, which he will produce later on. Hence, the present Case FIR No. 13 dated 18-04-2024 was registered u/s 7, 7A. Prevention of Corruption Act 1988 and 120-B, IPC, in Police Station, Anti Corruption Bureau, Karnal Range, Karnal.

3. That thereafter, the Superintendent of Police Anti Corruption Bureau, Karnal appointed Sh. Surender Tamak, Assistant Soil Conservation Officer, Karnal as Gazetted Officer, upon which the Gazetted Officer/Independent witness further appointed Sh. Krishan Sharma, Agriculture Inspector of his office as Shadow Witness. Raiding team was constituted and after applying Phenolphthalein powder on currency notes of Rs. 1,00,000/-, the said notes were handed over to the complainant Vikram, who was instructed to talk with Dharmender @ Dharmu for his work and on raising his demand, the complainant was instructed to hand over Rs. 1,00,000/- tainted money to tout Dharmender @Dharmu (petitioner-accused). The Shadow witness was also instructed to see and hear the conversation between complainant and accused and was further directed to give the appointed signal to the raiding team. List of Currency notes, memo of handing over the notes and the search memo etc. were prepared.

Thereafter, the complainant and shadow witness proceeded to meet petitioner-accused Dharmender @ Dharmu and after some time, the complainant and shadow witness acted accordingly. After sometime Dharmender @ Dharmu raised the demand of bribe and then complainant handed over the bribe money to petitioner-accused and thereafter, Dharmender @ Dharmu was apprehended on spot, near Skylark petrol pump at panipat. Upon asking him to produce the bribe money, Dharmender @ Dharmu (petitioner-accused) handed over the bribe money of Rs. 1,00,000/-, held in his right hand, to the independent witness/gazetted officer. The hands of the complainant, Vikram and Dharmender @ Dharmu were got washed separately and the solution thereof turned light pink and pink, respectively. The currency notes, nips of hand washes were converted into separate sealed parcels and were taken into possession vide recovery memo, which were also signed by the respected witnesses. Site plan of the place of occurrence was also

prepared. Thereafter, Dharmender @ Dharmu (petitioner- accused) was arrested in the present case and the investigating officer also took into possession the mobile phone of Dharmender @ Dharmu alongwith sim no. 9991055446.

4. That during the course of investigation on 19-04-2024, Dharmender @ Dharmu (petitioner-accused) had voluntarily suffered his disclosure statement (Annexure R-1) and disclosed that he took the bribe money from complainant in collusion with co-accused Bilasha Ram, Insp./SHO, which was to be handed over to Inspector Bilasha Ram, SHO.”

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 and refers to the reply.

6. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, per paragraph 10 of the bail petition, the petitioner has been in custody since 18-04-2024. 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 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

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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
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Whether speaking/reasoned: Yes
Whether reportable: No.