

2024:PHHC:142672



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM M-38731 of 2024
Date of Decision: 29.10.2024

Rose Kalsan @ Roj Kalsan	Versus	...Petitioner
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Arjun Sheoran, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS read with Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.12 dated 29.05.2024 registered under Sections 7 and 13(1)(B) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Section 384 of the Indian Penal Code at Anti Corruption Bureau, Haryana, Police Station ACB, Hisar.
2. The FIR in the present case was registered on the basis of the statement made by Brish Bhan and copy of the same has been reproduced below:-

"To, The Inspector, ACB Unit, Bhiwani. Subject: Complaint regarding demanding bribe. Sir, respectfully, it is submitted that I, Brish Bhan son of Milta Ram, am a resident of Dhani Phogat, District Charkhi Dadri and doing the work of agriculture. We have purchased 8 Killas land at Samaspur Beet from Indumati, whose mutation was got entered in the name of my Aunt (father's brother's wife - 'Chachi') Godavari wife of Om Parkash, Dhani Phogat. I have got deposited the Government fees of rupees 350/- for the mutation, even then Rose Patwari, who has been posted in District Charkhi Dadri, for entering the mutation, has been demanding an amount of Rupees 1,200/-. In this regard, I have made a phone call through Toll Free number and I was asked by Inspector Vijay Kumar, Unit Bhiwani, to submit a complaint. I don't want to give the amount of bribe of Rupees 1,200/- to Rose Pawari, even then Rose Patwari is putting pressure upon me to give the amount of bribe to him. I am not having any transaction with Rose Patwari, legal action may kindly be taken against him. Sd/- BRISH BHAN, Brish Bhan son of Mlta Ram, Dhani Phogat 80597-60091."

3. Learned counsel for the petitioner contends that the petitioner is working as Patwari in the Department of Revenue and has unblemished service record of more than 12 years. He further contends that it has been alleged that the petitioner, who was working as a Patwari was asking for a sum of Rs. 1,200/- for entering the mutation in the revenue records. However, the mutation, was already sanctioned on 20.05.2024, i.e., much before the complaint was filed

before the police. Learned counsel further contends that in the present case, the petitioner was arrested on 29.05.2024 and is in custody for the last more than 05 months. Further, no purpose will be served by keeping the petitioner behind the bars.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 29.05.2024 and is in custody for the last more than 05 months. Even after completion of the investigation, the challan has already been presented before the Court of law and no useful purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

29.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No