

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-38613-2024  
Reserved on: 06.09.2024  
Pronounced on: 18.09.2024

Ajit Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.P.Jangu, Advocate and  
Mr. Sonit Sinhwali, Advocate  
for the petitioner.

Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                    | Section               |
|---------|------------|-----------------------------------|-----------------------|
| 272     | 26.07.2024 | City Sohana,<br>District Gurugram | 7 of the PC Act, 1988 |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking grant of anticipatory 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 status report filed by the State, which reads as follows:

“3. That the brief facts of the present case are that on 16.07.2024, a complaint bearing no. 291-CC dated 15.7.2024 against Ajit Kumar. Food Inspector, District Gurugram was received through one Sachin Saini, Proprietor of M/s. Deva Trading Transport Company. It is mentioned in the complaint that he had an agreement with the department for loading of bajra, wheat etc. from the Government stores and transport and unloading of the same to depots in area of Sohna. Gurugram. In lieu of the work done by the complainant, he used to receive the payment from the government after his bills are processed M by storekeeper and District Food and Supply Controller. Ajit Kumar was the Storekeeper deputed by the DFSC for the purpose of getting the

*material loaded from the store, and he was also responsible for processing the bills that were submitted by the complainant Sachin Saini. The complainant Sachin Saini had given a complaint to the Deputy Commissioner, Gurugram on 13.05.2024, alleging that DFSC has been harassing him and not processing the payment for the month of March and April 2024. In his complaint, he further alleged that the DFSC had posted deputed Ajit Kumar as the new storekeeper, who was also storekeeper in the month of November and December of 2023. As per the complainant, Ajit Kumar demanded the illegal gratification of Rs. 50,000/-, in lieu of that he continued to do the work. The complainant also stated that he has call recordings with respect to it. Enquiry of the same was entrusted to Additional Deputy Commissioner, Gurugram. He conducted the enquiry and joined the relevant parties in enquiry and perused the relevant evidence. Alongwith other conclusion, enquiry officer recommended the matter to be sent to Vigilance Committee. The Deputy Commissioner, Gurugram vide his letter 141/G dated 10.07.2024 to Commissioner of Police, Gurugram, recommended for lodging of FIR and further action against Ajit Kumar. Thereupon, the above mentioned FIR No. 272 dated 26.07.2024 u/s 7 of Prevention of Corruption Act, 1988 registered at P.S. City Sohna, Gurugram.”*

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 status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“6. That the role of the petitioner Ajit Kumar in the present case is that he is posted as Store Keeper in Food and Supply Department and he had demanded the bribe of Rs.50,000/- from the present complainant Sachin Saini for processing the bills of the complainant.”*

7. Although there is prima facie evidence of a demand of Rs. 50,000/-, it is not the case that the petitioner accepted the bribe, it was paid to him, or any attempt was made to pay it.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame

charges, this Court is not considering the evidence at that stage but is analyzing it for the bail stage.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. 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)                                                                                                             |  |

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
16. 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.
17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

18.09.2024  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.