

2024:PHHC:132196



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM M-39588 of 2024
Date of Decision: 03.10.2024**

Rajender Dangi		...Petitioner
	Versus	
State of Haryana		... Respondent

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

Present : Mr. Harish Mehla, Advocate, with
Ms. Shikha Kaushik, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Saurabh Sharma, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.36 dated 18.10.2022 registered under Section 13(1)(b) & 13(2) of Prevention of Corruption Act, 1988 at Police Station State Vigilance Bureau, Karnal.
2. The FIR in the present case was registered on the basis of a complaint received from the Deputy Superintendent of Police, State Vigilance Bureau, Karnal. As per him, an inquiry was initiated against

Rajender Dangi on the basis of a letter dated 01.06.2020 received from the Director General, State Vigilance Bureau, Haryana and the said complaint was received for commission of act of corruption and for acquiring disproportionate assets by E/SI Rajender Dangi. The inquiry was conducted by DSP, State Vigilance Bureau, Jind and the allegations with regard to acquisition of disproportionate assets could not be proved. However, during inquiry, it was found that Bharat Bhushan @ Rinku was declared a proclaimed offender on 02.07.2018 by the Court of Judicial Magistrate 1st Class, Karnal, in a complaint under Section 138 of the Negotiable Instruments Act 1881. However, in spite of Court orders, Rajender Dangi E/SI had not arrested Bharat Bhushan @ Rinku and by threatening him, he demanded 06 bottles of liquor from him. However, Bharat Bhushan @ Rinku paid a sum of Rs. 2000/- as cash to E/SI Rajender Dangi, instead of 06 bottles of liquor and in the video recording, it could be seen that E/SI Rajender Dangi had received a sum of Rs. 2,000/- as a bribe money from Bharat Bhushan @ Rinku. This video recording was prepared by Bharat Bhushan @ Rinku on the spot itself and, thus, ESI Rajender Dangi had committed the offence under Section 7, 13(1)(b), 13(2) of the Prevention of Corruption Act, 1988 and after obtaining the permission from the Chief Secretary Office, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner submitted that on 09.06.2020, Haryana State Vigilance Bureau had received a complaint against the petitioner, wherein, it was alleged that the petitioner was possessing assets disproportionate to his income and was engaged in corruption. However, the said allegations could not be proved during inquiry. However, during inquiry, it was allegedly found that the petitioner had demanded and accepted a bribe of Rs.2,000/- from Bharat Bhushan @ Rinku. In fact, after holding a detailed departmental inquiry, the petitioner was found to be innocent and even during the course of inquiry, Bharat Bhushan @ Rinku had not supported the allegations against the petitioner. Rather during inquiry, Bharat Bhushan @ Rinku stated that he had never met Rajender Dangi nor he had made any CD. Further, he had not paid any bribe to Rajender Dangi. Learned counsel further submitted that the alleged CD, in which, it has been shown that the petitioner had accepted a sum of Rs. 2,000/- from Bharat Bhushan @ Rinku is yet to be proved during the course of trial. Still further, the complainant has levelled the false allegations against the petitioner just to extract money from him and the custody of the petitioner will not be required, at this stage.

4. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner. It has been

alleged that E/SI Rajender Dangi had committed the offence under Sections 7, 13(1)(b) read with Section 13(2) of the PC Act by misusing his position and by threatening Bharat Bhushan @ Rinku with arrest. Initially, the petitioner had raised a demand of 06 bottles of liquor, however, he was granted the time by the petitioner after accepting a sum of Rs.2,000/- from him. Even during the inquiry, the said charge was held to be proved against Rajender Dangi. Apart from that, learned counsel had also referred to the recording/transcripts (Annexures R-4 and R-5) to contend in the audio video recording, the petitioner is seen taking a sum of Rs. 2,000/- from the complainant. Apart from that, the petitioner is a retired police official and may influence and pressurize the prosecution witnesses. Learned counsel for the complainant also submitted that the petitioner is a retired police officer and he evaded the process of law for the last 02 years by exercising his influence. Thus, keeping in view the gravity of the matter and sufficient incriminating evidence, the present petition deserves to be dismissed.

5. Rival contentions of the learned counsel for the parties have been heard and the record has been carefully perused.

6. In the present case, it is apparent from annexures R-4 and R-5, i.e., the transcript/video recording that the petitioner had pressurized the complainant to pay a sum of Rs. 2,000/- to him as

bribe. Apart from that, now the FSL report (Annexure R-6) has been received and on the basis of the FSL report, it has been found that the specimen voice sample of the petitioner had matched with the voice in the audio/video recording. At this stage, there is sufficient evidence, which proves the complicity of the petitioner in the crime and in the considered opinion of the Court, the custodial interrogation of the petitioner would be required.

7. The petition is meritless and is ordered to be dismissed.
8. The above observations have been made for the limited purpose of the disposal of the bail application and the trial Court shall decide the trial, on the strength of the evidence led by the parties, uninfluenced by the above observations.

03.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No