

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43265-2024
Reserved on: 17.09.2024
Pronounced on: 27.09.2024

Veer Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	13.07.2024	ACB, Gurugram, District Gurugram	308(2) of BNS and Section 7 of PC Act (Sections 13(1) (b) and 13 (2) of PC Act added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 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:

“3. The brief facts of the case arisen to register the present case are that on 13.07.2024, when Inspector Ved Parkash along with other police officials was present in his office, at Anti Corruption Bureau, Rewari, at that time complainant Mohan Pal came in the Anti Corruption Bureau, Rewari and submitted a written compliant to Insp Ved Parkash, to the effect that the complainant is resident of District Mathura, Uttar Pradesh and presently, living at Bawal for last nine years on rental accommodation and doing job in private company at Bawal.

4. That he further submitted that his wife's friend namely Beena wife of Vishal, resident of Bharatpur, Rajasthan is living in a rented house at Bawal (Rewari) and was destituted from her husband. The complainant helped above said Beena for getting the said rented accommodation.

5. That On 25.06.2024 at about 7:45 PM, aforesaid Beena committed suicide by hanging herself in the said rented house and the complainant Mohan Pal has no relation or knowledge of the reasons of her suicide.

6. *That complainant Mohan Pal informed the police at PS Bawal and accordingly the proceedings of the case started and the body of said Beena was kept in govt Hospital Bawal. Her postmortem was conducted on the next day.*

7. *That after that, petitioner Sub Inspector Veer Singh started harassment of complainant on account of his and his wife Anjana's false implication in the case, In this regard complainant went to PS Bawal and met petitioner Sub Inspector Veer Singh.*

8. *That thereafter petitioner Sub Inspector Veer Singh started bribe demanding from him and took Rs.4,000/- as a bribe from the complainant and also demanded Rs. 10,000/- more otherwise he will implicate the complainant and his wife in that case. The complainant also recorded the telephonic conversation of petitioner Sub Inspector Veer Singh. The complainant did not want to give bribe and requested for legal action."*

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

"A. The role of the petitioner

1. *That petitioner Veer Singh specifically is named as an accused in the FIR and he was trapped red handed while accepting tainted currency notes amounting Rs. 6,000/- from complainant and earlier also he has taken Rs. 4,000/- as a bribe from complainant on account of false implication in the said case as petitioner Veer Singh was Incharge of the inquest proceeding pertaining to Beena wife of Vishal.*

B. The evidence against the petitioner.

1. *That petitioner SI Veer Singh was Incharge of the inquest proceeding pertaining to Beena wife of Vishal and he had demanded Rs. 10,000/- as a bribe from complainant on account of false implication in the said case and petitioner was also caught red handed with Rs. 6,000/- tainted currency notes. Thus, the ingredients of PC Act i.e. demand, accept and recovery are made out in the present case.*

2. *That the petitioner was apprehended red handed while accepting tainted bribe money of Rs. 6,000/- and the same were recovered from him by raiding party in the presence of duty magistrate/ gazetted officer and shadow witness. Further complainant has also produced the recording containing demand of bribe."*

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 11 of the bail petition, the petitioner has been in custody since 13.07.2024. Per the custody certificate dated 10.09.2024, the petitioner's total custody in this FIR is 1 month and 26 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie 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.

8. 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.

9. 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.

10. 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)	

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

12. 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.

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

14. 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.

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

27.09.2024
Jyoti Sharma

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No.