



**218/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision:20.11.2024

(i) CRM-M-48653-2024(O&M)

Abhay Kumar ...Petitioner

VS.

State of Haryana and another ... Respondents

(ii) CRM-M-49191-2024

Hakim ...Petitioner

VS.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sangram S Saron, Advocate
for the petitioner in CRM-M-48653-2024.

Mr. Kamal Chaudhary, Advocate
for the petitioner in CRM-M-49191-2024.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

CRM-40108-2024 in CRM-M-48653-2024

1. Application is allowed as prayed for subject to just exceptions.

Annexures P-11 to P-13 are taken on record.

Main cases:-

1. This order shall dispose of above-said two petitions i.e. CRM-M-48653-2024, titled as Abhay Kumar Vs. State of Haryana and another and CRM-M-49191-2024 titled as Hakim Vs. State of Haryana, whereby the petitioners have prayed for grant of bail to them in case FIR No. 14 dated 05.07.2024 registered under Sections 7, 7(A), 13(1)(b) read with 13(2) of the



Prevention of Corruption Act, 1988 and Sections 308(2), 61(2) of BNS, 2023, at Police Station ACB, District Faridabad.

2. While arguing in CRM-M-48653-2024, learned counsel for the petitioner contends that in the present case, no offence under Sections 7, 7(A), 13(1)(b) read with 13(2) of the Prevention of Corruption Act, 1988 is made out against the petitioner. He further contends that even the allegations against certain public servants were found to be false and they were not charge-sheeted by the police. Now, even charges have been ordered to be framed against the petitioner under an erroneous belief by mentioning the petitioner as public servant. He further contends that the petitioner was arrested in the present case on 06.07.2024 and the final report under Section 173 of Cr.P.C. has already been presented against him. The charge has also been framed against the petitioner and the prosecution has not been able to examine even a single witness till date.

3. While arguing in CRM-M-49191-2024, learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been nominated on the basis of the disclosure statement made by Rakesh, principal accused. He further contends that even no recovery was effected from the petitioner. The petitioner was arrested in the present case on 06.07.2024 and no witness has been examined by the prosecution so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that serious allegations have been leveled against the present petitioners and they do not deserve the concession of bail by this Court.



5. I have heard learned counsel for the parties and perused the record.
6. The petitioners are stated to be in custody for the last more than 4 months. Even charge has been ordered to be framed against the petitioners, but no witness has been examined by the prosecution so far. Since the conclusion of the trial may take quite a long time, the custody of the petitioners will not serve any meaningful purpose.
7. Without commenting any further on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

20.11.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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