

2024:PHHC:154030



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202 two cases

CRM M-49601 of 2024 (O&M)
Date of Decision: 22.11.2024

(1) Randeep Sindhu ...Petitioner
Versus
State of Haryana ... Respondent

CRM M-50589 of 2024 (O&M)

(2) Yogesh Kumar ...Petitioner
Versus
State of Haryana ... Respondent

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

Present : Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner in CRM M-49601-2024.

Mr. Akashdeep Singh, Advocate, for the petitioner
In CRM M-50589 of 2024.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-49601-2024 titled as “**Randeep Sindhu Vs. State of Haryana**” and CRM M-50589-2024 titled as “**Yogesh Kumar Vs. State of Haryana**”, whereby, the petitioners have applied for grant of regular bail under Section 483 of the BNSS in case FIR No. 16 dated 02.08.2024 under Sections 7, 7-A, 13(1)(b) read with Section 13(2) of the of Prevention of Corruption Act, 1988 and Section 308(2) of the

Bhartiya Nyaya Sanhita, 2023 (Annexure P-1) registered at Police Station Anti Corruption Bureau, Faridabad.

2. The FIR in the present case was registered on the basis of the complaint filed by Shiv Singh son of Revti Lal and the same has been reproduced below:-

“The Inspector, Anti-Corruption Bureau, Faridabad. Sir, it is submitted that I, Shiv Singh S/o Sh. Revti Lal is permanent resident of Village Sihol, P.S. Chand Hat, District Palwal. I and Sh. Lokesh Sharma R/o Uttar Pradesh had installed a brick kiln in the name M/s Brijwasi Brick Udyog in Village Gadhipatti Hodal, in partnership. I wholly look after the brick kiln. Due to shortage of money we both partners are selling our kiln. The talks about which were on with Sh. Jogender R/o Kotman, Uttar Pradesh. On 19.06.2024 I had gone out due to personal work. My kiln's muneem Vishnu Sharma had told me on phone that the Pollution Department, Palwal's officers and officials had came on our kiln, who had inspected the kiln and they had said to send your owner to our office. On 22.07.2024 I and Sh. Joginder had gone to the O/o Pollution Department, Palwal where Sh. Randeep Sindhu, SDO was found present in his office, we had talked to SDO Sh. Randeep Sindhu with regard to the kiln, after the talk the SDO had taken out two papers and had given them to me and had said on 19.06.2024 I along with my colleagues had checked your M/s Brijwasi Brick Udyog (kiln), when your kiln was showing excess pollution. The report in which regard and a copy of the notice in this regard I

have given to you. You may prepare your reply in this regard within 15 days and send it to this office, otherwise your kiln will be sealed. If you want to save your kiln from being sealed then meet Yogesh, Kiln Union President. On being said upon this by SDO, we had met Yogesh, Kiln Pradhan in this regard who had said Sh. Randeep Sindhu, SDO had told me about your kiln. I have talked to the SDO with regard to not undertaking proceedings about your kiln. An expenditure of minimum Rs. 8 to 10 lakhs will have to be incurred for this work and your matter will get resolved. We had said that we will tell after consultation. I and Jogender had again met Sh. Randeep Sindhu, SDO in the O/o Pollution Department, Palwal, who had said I had prepared your kiln's case and have sent it to Panchkula Head Office, and how much penalty will be imposed on your kiln, it will be decided by Panchkula Head Office. I will make your kiln's 5 days' penalty of Rs. 35,000/- in my report. I will not let any court case filed against you and neither I will let your kiln get sealed. In lieu of it you will have to incur expenditure of the amount, which Yogesh Pradhan had told you. Then I had said to him that Yogesh Pradhan is asking for a lot of money, I cannot give this much amount. Then the SDO had said ok you give Rs. 06 lakhs, your work will be get done. Then we had requested him a lot. Then the SDO had said I will talk to my officer madam and after saying this much the SDO had gone to the madam inside the office and after some time the SDO had returned and had told us that he had talked with the madam, she has also said that a

penalty of Rs. 35,000/- will be imposed and Rs. 06 lakhs will have to be given separately. After this I had requested them repeatedly who had said in last that Rs. 5,50,000/- will have to be spent and taking along money you come to me in the office only. Your work will be done. Subsequently Jogender and Randeep Sindhu, SDO had again talked on phone, on which the SDO had said that you don't come to me and directly meet Yogesh Pradhan, what I had said to you for doing your work in Rs. 5,50,000/-, Yogesh Pradhan had come to know about it, he is very annoyed. We have to do a lot of work through Yogesh Pradhan. Therefore, we cannot annoy Yogesh Pradhan. Now your work will be through Yogesh Pradhan only. On 29.07.2024 I and Jogender along with our accomplices had met Yogesh Pradhan at his house, who had said I have talked to the SDO, he had said how much money more will have to be spent besides Rs. 5,50,000/ he will tell me in 1-1/2-2 hours. Thereafter, we had returned from there. After around 3/4 hours Yogesh Pradhan had called up on my WhatsApp and he had said to me that it has been talked to Sh. Randeep Sindhu, SDO, he has said about doing work in Rs. 7,50,000/-. Out of which Yogesh Pradhan had taken Rs. 2 lakhs from my accomplice Jogender. I was called to his house on 30.07.2024 at Hodal taking along Rs. 5,50,000/-. That I had gone to Yogesh Pradhan's house for talk when it came to knowledge that Yogesh Pradhan had left for Chandigarh in connection with his work. Subsequently, I had returned back to my home. On 31.07.2024 I had received Yogesh Pradhan's call on my phone and said to come on

01.08.2024 taking along Rs. 5,50,000/-. Yesterday, on 01.08.2024, when I had talked to Yogesh Pradhan on phone then Yogesh Pradhan had said to me that I am not at home. You give these Rs. 5,50,000/- to my friend Dharam Chand, PC Jewelers' Office which is inside the market from the Bus Stand, Palwal on the opposite hand and make me talk on phone. Sh. Randeep Sindhu, SDO is illegitimately harassing and by pressurizing through Yogesh Pradhan, is demanding bribe amount of Rs. 5,50,000/-. I have recorded all the aforesaid conversation separately, which I will later on produce to you separately. Today Pradhan is calling me to his house at Hodel taking along Rs. 5,50,000/-. Sh. Randeep Sindhu, SDO and Yogesh Pradhan has harassed me a lot for taking the bribe amount. On being upset now I have come to you at your Police Station for giving complaint. I do not want to give this bribe of Rs. 5,50,000/- to the corrupt Yogesh Pradhan and Sh. Randeep Sindhu, SDO. I don't have any enmity with Sh. Randeep Sindhu, SDO and Yogesh Pradhan and neither there is any type of financial give-take. I don't want to give bribe of Rs. 5,50,000/- to Sh. Randeep Sindhu, SDO, Pollution Department, Palwal and Kiln Association President Yogesh. Legal action may please be taken against them. Notice and copy of the inspection report I have presented to you along with complaint. Sd/ Shiv Singh S/o Sh. Revti Lal R/o Villae Sihol, District Palwal”.

2. Learned counsel appearing on behalf of petitioner Randeep Sindhu (in CRM M-49601-2024) submits that in the present

case, the essential ingredients of offence under the provisions of the Prevention of Corruption Act, 1988 were not fulfilled. He further contends that the petitioner had never demanded any bribe from the complainant nor any recovery was effected from him. He further contends that the complainant had falsely involved the petitioner as the petitioner had collected samples from the property of the complainant which revealed that the complainant had indulged in violation of the provisions of the Air (Prevention and Control of Pollution) Act, 1981. By referring to the report of Board Analyst (Annexure P-5), He further contends that the analyst had found that the particulate matter was exceeding the prescribed limits. He further contends that the petitioner was arrested in the present case on 02.08.2024 and after completion of the investigation, the challan has already been presented against him.

3. On the other hand, learned counsel appearing on behalf of petitioner Yogesh Kumar (in CRM M-50989-2024) had raised the similar arguments. He further contends that even the petitioner was arrested in the present case on 02.08.2024 and challan has already been presented against him also.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that Yogesh Kumar petitioner was apprehended by the police officials, while he was accepting the amount of bribe from the

complainant. He further contends that even against Randeep Sindhu sufficient incriminating evidence has been found during the course of investigation.

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

6. No doubt, the allegations against the petitioners are serious in nature, but both the petitioners are in custody since 02.08.2024. The final reports have already been presented before the competent court of law and the petitioners cannot be confined as undertrial prisoners for an indefinite period.

7. 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.

22.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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