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

CRM-M-51731-2024(O&M)

Date of Decision: 14.11.2024

Parmod Kumar

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Keshav Pratap Singh, Advocate, for the petitioner.
Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.
Mr. Chirag Suri, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.17 dated 07.08.2024 registered under Sections 7, 7-A, 12, 13(1)(b), 13(2) of Prevention of Corruption Act, 1988 and Sections 61, 308(2) of BNS, 2023 (Sections 12, 13(1)(b), 13(2) of the Prevention of Corruption Act were added later on), at Police Station Anti Corruption Bureau, Karnal, District Karnal.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and no offence under Sections 7, 7-A, 12, 13(1)(b), 13(2) of Prevention of Corruption Act is made out against him. He further contends that even the story projected by the prosecution is highly unbelievable. It has been alleged that during the raid, the complainant himself had asked the shadow witness to go back to the raiding party and the said fact has been admitted even in the challan itself. Learned counsel further contends that even the recovery of the alleged bribe money was not effected from the

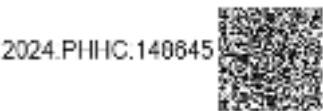


petitioner, rather the same was shown under the mattress, during the raid conducted by the raiding party. Learned counsel further contends that the petitioner was arrested in the present case on 07.08.2024 and after completion of the investigation, challan has already been presented against him. Since the trial has not yet started, further custody of the petitioner will not serve any meaningful purpose. Learned counsel has further relied upon the medical record (Annexure P-4) to contend that the petitioner is suffering from various ailments including the heart ailment and is under treatment for the last 15 years. Learned counsel further contends that even the complainant was involved in various criminal and complaint cases filed by different persons.

3. On the other hand, Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had demanded bribe of Rs.2 lacs on the pretext of cancelling the FIR registered against the complainant and he was caught red handed.

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

5. In the present case, no doubt, the allegations levelled against the petitioner are serious in nature, however, this Court cannot be oblivious of the fact that the petitioner is confined in jail for the last more than three months and the final report under Section 173 Cr.P.C. has already been presented against him. The petitioner is a government servant and there are no chances of fleeing from the process of justice. Moreover, the prosecution has not been able to



bring on record any evidence to indicate that the petitioner is in a position to influence the witnesses of the prosecution.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

7. Pending application stands also disposed of.

14.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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