

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56979-2023 (O&M)
Date of order: 10.01.2024

Sunder Singh Bisla
... Petitioner(s)
Versus
State of Haryana
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Vishal Garg Narwana, Advocate and
Mr. Sagar Sharma, Advocate
for the petitioner(s).
Mr. R.K. Singla, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
677	24.11.2016	City Bahadurgarh, District Jhajjar	7 of the Prevention of Corruption Act, 1988

- Apprehending arrest in the FIR captioned above, the petitioner had come up before this Court under Section 438 CrPC seeking anticipatory bail.
- In paragraph 24 of the bail petition, the accused declares that they have no criminal antecedents.
- Vide order dated 14.11.2023, this Court had granted interim protection to the petitioner which is continuing till date.
- Facts of the case are extracted from reply dated 8.12.2023 filed by the State by way of affidavit of concerned DySP, which read as under:-

“4. That the present FIR was registered on the complaint no. 387-SPL-3 dated 03.08.16 moved by Sunil S/o Dilbagh Singh to the Inspector General of Police Rohtak, range Rohtak in the manner that, "Sir, Inspector General of Police, Rohtak. Subject: Complaint against the officers (employees) of Huda Department regarding implicating in false case and for not giving money for the work. Sir, it is respectfully prayed that Sunil son of Sh. Dilbagh Singh is resident

of Vivekanand Nagar, Bahadurgarh, Tehsil Bahadurgarh, District Jhajjar. I take the contract for work of construction of drains, cleaning of sewerage etc. I had taken the work of cleaning the sewerage etc. on contract from Huda Department in June-July 2015, the time period of the same was 1 month and I had also completed my work within the prescribed period but till today when I made demand of money for the work done then in place of that J.E. of the department S.S. Bisla demanded one lakh fifty thousand rupees (bribe) from me and forcibly took rupees fifty thousand from me and after that the officers of the Huda Department have been avoiding me till date by saying come tomorrow, come after two days, we do not have time etc and when on 20.07.16, I went to the office of Huda department then they abused me and talked in misbehaving manner. When I objected to their this kind of behavior then they got registered a false case against me. The bribe which has been demanded by the officers of the Huda department, I am having witnesses and evidence regarding the same and the embezzlement of lakhs crores of rupees which has been committed by the above officers, I am also having evidence regarding the same. So, sir it is respectfully prayed that my money for the aforesaid works be got paid to me from the above officers and the false case which has been registered, be considered to be baseless. I shall be grateful".

5. That on the basis of afore said complaint, initially an inquiry was conducted by the DSP concerned, Bahadurgarh wherein a CD containing demand of bribe for passing bills of the complainant was produced by the complainant and after perusal of the CD containing voice recording of the complainant and the petitioner, the allegation levelled against the petitioner were found to be correct and hence the present FIR No.677 dated 24.11.2016 was registered U/s 7 of Prevention of Corruption Act in PS- City Bahadurgarh and the investigation was set into motion.

6. That during the course of investigation, the CD containing voice recording of the complainant and on 06.09.2017, the present petitioner was deposited in FSL for examination and voice of the complainant and the present petitioner was recorded before the FSL lab for matching with the voice in the CD.

7. That during the course of investigation, on 27.07.2018 the aforesaid voice sample report was received in the police station, wherein it has been opined that, "**the voice marked Q1(A) is the probable voice sample of same person i.e Sunil whose specimen voice marked Exhibit S * 1(A) . The voice marked Q1(B) is the probable voice of same person i.e Surender Bisla whose specimen voice marked Exhibit S2(B).** Copy of FSL report is enclosed as **Annexure R-1.**

8. That during the course of investigation, the record of payment made to the complainant Sunil amounting to Rs. 3 lakh 82 thousand by the HSVP, Division Bahadurgarh for work done by him was obtained and other relevant record pertaining to the case was also obtained, which was taken into possession vide seizure memo."

Reasoning:

5. On being arraigned as accused, the petitioner's bail petition was dismissed on 12.4.2019 but despite that, the investigator did not arrest him. Moreover, the incident pertains to the year 2016 and the petitioner has also retired.

6. Given above, the present petition is allowed and interim order dated 14.11.2023

is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

January 10, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes