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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54077-2024 (O&M)

Date of Decision: 06.11.2024

Sumit

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. V.P.Sangwan, Advocate
for the petitioner.

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

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 in case FIR No.0026 dated 06.08.2024 registered under Sections 308(2) of BNS and Section 7 of the Prevention of Corruption Act, 1988 (Section 13(1)(b), 13(2) of the Prevention of Corruption Act, 1988 added later on), at Police Station ACB Gurugram, District Anti Corruption Bureau, Haryana.

2. The FIR in the present case was registered on the basis of the statement made by Alamgeer son of Ismayal and the same has been reproduced below:-

“To, the Superintendent of Police, A.C.B, Gurugram. Sir, it is requested that I Alamgeer son of Sh. Ismayal, am resident of village Mudhaita, Police Station Pingava, District Nuh and I have studied up to 10+2 level and also passed ITI Electrician. By brother Niyamat is studying in 10th class. I am married. I have my elder brother namely Hamid and we three brothers are living with



our families and parents. My brother Niyamt is having SIM No. 74191-08271 and he is using this SIM in his mobile. The mobile of my brother was not working in the month of 05/2024, due to which, he taken out its SIM and given this mobile to a mechanic in Pingavan for its repair and after repair of said mobile, when my brother has checked SIM, same was missing, he has tried to trace it out for many days, but he could not trace out this SIM. The proceedings to close/stop the SIM were done later on. Thereafter on 25.07.2024, the police of Bhiwani came to the Sarpanch, thereafter the Saddam brother of Sarpanch namely Yasir has called me and informed me that there is complaint in the Cyber Cell Bhiwani regarding fraud. Thereafter I received phone call from mobile No. 8813888838 of Cyber Cell Bhiwani on my mobile No. 9053695113 in the month of July, 2024 and the person talking other side has introduced himself as Sumit and he told me that your brother has committed fraud, you settled it. Thereafter on 03.08.2024, the officials of Cyber Cell Bhiwani came at my house and talked to me that we will deleted the name of your brother, they threatened me that either give us Rs. 1.00 lac otherwise we will arrest your brother and if you paid this amount, then I will cancel this complaint on my own level. Due to their said threat, I got scared and agreed to pay the amount of Rs. 1.00 lac to save my brother. I told them that I will take some time to arrange the amount of Rs.1.00 lac then said person namely HC Sumet has given me time up to 06.08.2024 but I could arrange the amount of Rs. 65000/- so far. I don't want to give the amount of bribe to HC Sumit and he is adamant to take the said amount as bribe from me. I have no personal grudge against HC Sumit and there are no transactions between us. You are requested that legal action be taken on my this complaint, I shall be thankful to you. I have saved the recording of telephone conversation held between me and HC Sumit on 03.08.2024 in my mobile, I will present the



same to you by uploading it in the Pen-Drive. Action be taken regarding my complaint. Sd/- Alamgeer son of Ismayal.”

3. Learned counsel for the petitioner contends that the entire story projected by the prosecution is highly improbable and unbelievable. In fact, the petitioner had not received any amount of bribe and it was recovered from the dash-board of the car, which was driven by the complainant. He further contends that even there was no other evidence to connect the petitioner with the alleged crime. The petitioner was arrested in the present case on 06.08.2024 and after completion of the investigation, challan has already been presented against him. The prosecution has relied upon 27 witnesses and majority of the witnesses are official witnesses. Thus, the petitioner will not in a position to influence the witnesses of the prosecution.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the petitioner and he was caught red handed while accepting a sum of Rs.65,000/- from the complainant.

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

6. In the present case, it has been alleged that the petitioner had received a sum of Rs.65,000/- from the complainant and was arrested by the Anti Corruption Bureau. However, the petitioner is at present in custody for the last more than 3 months and the final report under Section 173 Cr.P.C. has already been presented against him. Thus, further detention of the petitioner as



an under trial prisoner would not serve any meaningful purpose. Even otherwise, the case is based primarily on the testimonies of official witnesses and the petitioner may not be in a position to influence the witnesses.

7. 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.

8. Pending application stands also disposed of.

06.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No