

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55064 of 2024
Reserved on: 03.12.2024
Pronounced on: 17.12.2024

Suresh Chand Meena ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankur Lal , Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
07	04.04.2024	Anti Corruption Bureau, Faridabad	7 of PC Act (Section 13(1) (B) read with section 13(2) of PC Act and 201 IPC, 1860 added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That, the factual background of the case of the prosecution is that one Surender Kumar appeared in the office of the Anti Corruption Bureau, Faridabad and produced a complaint against the Petitioner regarding the demand of bribe of Rs. 10,000/-. In the complaint, the complainant has mentioned that I have applied for GST No for my firm Divine Trading Company online vide dated 29.01.2024. For verification of the documents, I went to GST Bhawan CGO Complex NIT Faridabad but Sh. Suresh Chand Meena GST Inspector raised some baseless queries and due to this my application was rejected. I again resubmitted the documents on 20.02.2024 but again Sh. Suresh Chand Meena GST Inspector got rejected the application. Thereafter on 13.03.2024, I again

applied for GST Number third time and on 03.04.2024, I received phone call from Sh. Suresh Chand Meena GST Inspector and I met him on 04.04.2024. He clearly told me that he could not get the GST Number without the SEWA-PANI and after this, he took a paper which was kept on the table and wrote down 20 and indicated the same towards me. I requested him for less amount being a poor person and then he struck down 20 and write down 10. I requested for payment of Rs. Five thousand but he refused and told me that the file will again be rejected. I recorded the said conversation and will produce the same before you. I have no personal grudge with him. Legal action may be taken against Sh. Suresh Chand Meena GST Inspector". On the basis of the complaint, it was found that a cognizable offence is made out and a Case FIR NO. 07 dated 04.04.2024 u/s 7 P.C.Act was registered at P.S.ACB, Faridabad."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"B. EVIDENCE AGAINST THE PETITIONER

a) That during the investigation of the case, the Investigating Officer obtained recording of the conversation held between Complainant and the accused/Petitioner the on 08.04.2023 alongwith 65-B Certificate. It is also to mention here that conversation was duly translated by the Investigating Officer through HC Brij Pal No. 438/Palwal and he also submitted his 65-B Certificate to prove the authenticity of the translation."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 5 of the bail petition, the petitioner has been in custody since 08.10.2024. Per the custody certificate dated 02.12.2024, the petitioner's total custody in this FIR is 01 month and 25 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the condition(s) of the order.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.12.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.