

2024:PHHC:152947



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM M-56813 of 2024
Date of Decision: 14.11.2024

Vishal	Versus	...Petitioner
State of Haryana		... Respondent

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

Present : Mr. Pardeep Sehrawat, Advocate, for the petitioner.
(through V.C.).

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.0329 dated 06.09.2024 registered under Sections 115, 127(2) and 296 of the BNS and Section 7 of Prevention of Corruption Act 1988 at Police Station Sonipat City, Sonipat, Haryana.
2. The FIR in the present case was registered on the basis of the complainant submitted by Kapil Dev and the same has been reproduced below:-

"To,

The D.G.P. Sir, Panchkula

Subject:- Complaint against Havildar Rakesh (Mob.9802249703) for illegal detention for while night, for giving beatings, using bad language and for releasing after taking bribe in the morning.

Sir,

I, Kapil Dev son of Attar Singh is resident of village Ghuna, Sonipat. I am a teacher by profession. On 25th July at about 6 p.m. I had a small fight with Govinda resident of village Badwasni on which I called on 112 and after some time Govinda also called on 112. At about 11 p.m Rakesh (Raka) gave me slap and gave kicks on me and forcibly took me inside the jeep of Police Station Sadar. In the jeep Govinda was already sitting who was picked from his house. On the way to the police station, he used bad langauge for my mother, sister and daughter and gave beatings to me. The CCTV footage in which he gave beating and forcibly took me in jeep are available in CNG pump. He kept both of us as hostages for the whole night whereas our matter was already compromised. Both of us have requested many times sir we don't have any grievance against each other please let us go home. Then he again gave beatings to us and gave us the punishment and didn't allow us to sleep and asked to sit on foot for whole night. One employee was deployed there and asked in case we close our eyes then to slap us. The misdeeds and vile acts that took place all night on thinking of same it makes my heart tremble. The footage of the same is available in recording of Police Station CCTV of Room No.9. At about 10:00 am a non police person Vishal (Nanha) Mob:8950830012 came to us and asked for Rs. 10000/- each for our release. I was

having about Rs. 4000/- in my pocket and the same were snatched by Rakesh in the night and for the remaining amount Vishal talked to some one and asked us to send the same in that account. Being helplessness I had to transfer Rs. 4000 through phone pay whose details are Transaction ID-T2407261015343463561854 UTR 420875806761 Rs. 4000/- Name Sanjay S/o Shree Parkash Mob:9813478992. Vishal himself had written something and obtained our signatures. Sir, it is therefore respectfully prayed that a strong action be taken against Rakesh (Raka) for his misdeeds and vile acts and Corruption So, that the trust of maintained. common man in Police administration and Justice may be maintained.

*Sd/- Kapil Dev, village Ghuna, District- Sonipat,
M:8818002200*

Dated: 28th July 2024."

3. Learned counsel for the petitioner contends that the complainant had some dispute with another villager Govinda and both had called police by dialing the helpline No. 112. After getting their calls, the parties were called to the police station. Sanjay cousin of Govinda came to the house of the petitioner and asked him to accompany him to the police station as his cousin was in police custody due to some fight with the complainant. On the asking of Sanjay, the petitioner went to the police station. The petitioner is a handicapped person and he had simply accompanied the cousin of Govinda. Learned counsel further contends that in fact, the bribe was demanded by Head Constable Rakesh and the petitioner was not the

beneficiary of any such demand in any manner. Still further, the case was based on documentary evidence and the custodial interrogation of the petitioner was not required.

4. Notice of motion.

5. On the asking of Court, Mr. Rajinder Kumar Banku, DAG, Haryana accepts notice on behalf of respondent-State

6. Learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner by alleging that the petitioner was hand in glove with Head Constable Rakesh and both of them had extorted money from the complainant. In fact, the complainant was beaten up brutally by Head Constable Rakesh in police station and Head Constable Rakesh also used filthy language, which was recorded in the CCTV camera installed at a CNG Pump. Even, the complainant was forced to sit on foot in the lockup during the whole night and was not allowed to speak or sleep and was tortured. In the morning at about 10.00 a.m., the petitioner came and demanded a sum of Rs. 10,000/- each from the complainant Kapil Dev and Govinda. Rakesh had already snatched a sum of Rs. 4,000/- from the complainant in the night and the remaining amount was transferred in the account, which was disclosed by the petitioner.

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

8. As per the case of the prosecution, HC Rakesh had illegally picked the complainant and Govinda in the night on 25.07.2024 and the complainant was tortured in an inhuman manner in police lockup by HC Rakesh. In the morning, the petitioner came to the police station and forced the complainant and Govinda to pay a sum of Rs. 10,000/- as bribe and some amount was taken by him. In the present case, the petitioner and HC Rakesh Kumar accepted illegal gratification by getting the amount transferred in the account of a third person, who was known to them. Thus, the custodial interrogation of the petitioner would be required for effecting the recovery of the bribe money and to find out the involvement of other accused.

9. Thus, finding no merits, the petition is ordered to be dismissed.

14.11.2024	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No