

CRM-M-62850-2023
Decided on: 29.01.2024

Sumit Aggarwal ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
21	13.05.2023	Anti Corruption Bureau, Gurugram, Haryana	409, 420, 467, 468, 471, 120-B IPC and Sections 7, 8, 13(1)(b), 13(2) of Prevention of Corruption Act 1988

1. The petitioner, who was posted as Accountant with Integrated Co-operative Development Project, Rewari, incarcerated upon his arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.

2. On 11.01.2024, when the matter was listed for first time, this Court asked the State to file response and on 18.01.2024, reply on behalf of the State was filed. Thereafter, on 19.01.2024, after considering the factors, this Court granted interim bail and one of the reason of granting bail was that the petitioner had voluntarily agreed to declare his as well as assets of his wife, which was mentioned in para 19 of the bail order.

3. Petitioner's counsel submits that they had voluntarily complied with the order of declaring assets and it is submitted that they shall not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India or any other fundamental right/law. Counsel further submits that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. The State's counsel does not dispute the contention made by counsel for the petitioner, but opposes the bail.

5. Given the facts and circumstances peculiar to the case coupled with the fact that petitioner had voluntarily declared assets and considering the amount involved and also the period of custody which is more than six months, there would be no justification for further pre-trial incarceration.

Petition allowed in aforesaid terms. Interim order dated 19.01.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

29.01.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.