

CRM-M No.63845 of 2023 (O&M)

Date of Decision: 09.01.2024

Deepak Sharma

..... Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Puneet Bali, Sr. Advocate with
Mr. Uday Agnihotri, Advocate and Mr. Shivam Sharma, Advocate
for the petitioner.

Mr. Vikram Pamboo, Sr. DAG, Haryana.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
7	20.04.2023	Anti corruption Bureau, Panchkula, Haryana	7, 7/A, 13(1)(b) and 13(2) of the Prevention of Corruption Act, 1988 read with Sections 120-B and 384 IPC.

The petitioner apprehending the arrest in the FIR captioned above, has come up before this Court under Section 438 Cr.P.C. seeking bail.

2. Reply filed by way of affidavit of Deputy Superintendent of Police, Anti Corruption Bureau, Haryana on behalf of respondent, by the State counsel in Court today is taken on record.

3. Vide order dated 19.12.2023, this Court has granted interim bail to the petitioner, which is continuing till date.

4. State counsel objected the contents of sub-clause XII of paragraph No.3 and opposes the bail petition. Sub-clause 12 of paragraph 3 reads as under:

“xii) That is pertinent to note that the petitioner made a statement under Section 164 Cr.P.C.. However, the said statement was made under pressure and coercion of the investigating agency, on the pretext that the petitioner will merely be made an approver in the instant case.”

5. On instructions from Mr. Vikas Sharma-the petitioner’s brother who is present in Court today, counsel for the petitioner submits that he would withdraw sub clause 12 of paragraph No.3 of the petition.

6. The State in its reply specifically does not seek custody of the petitioner, given the fact that the petitioner was not a beneficiary. On this ground alone and coupled with the fact that Poonam Chopra and Vijay Dahiya have been released on regular bail, there is no justification to send the petitioner to custody.

7. Given above, the petition is allowed and interim order dated 19.12.2023 is made absolute. All pending miscellaneous applications, if any, stand disposed of.

9th January, 2024

(ANOOP CHITKARA)
JUDGE

Sonia Puri
Whether Speaking/Reasoned

Yes/No
Yes/No

Sonia Puri
2024.01.11 17:15
Whether Reportable
I attest to the accuracy and
integrity of this order/judgment