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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.64306 of 2023 (O&M)

Date of Decision:24.01.2024

Harvinder Singh

..... Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: **HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Kamal Jindal, Advocate
 for the petitioner.

 Mr. Vikrant Pamboo, Sr. DAG, Punjab.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
30	02.11.2023	ACB, Hisar District Anti Corruption Bureau, Haryana	7 of the Prevention of Corruption Act, 1988 and Sections 13(1)(b) read with Section 13(2) of Prevention Corruption Act, 1988 (added later on)

1. Apprehending arrest in the FIR captioned above, the petitioner had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 15.01.2024, this Court had granted interim bail subject to petitioner complying with condition no.17 which he had voluntarily agreed.
3. Today the petitioner’s counsel submit that he has voluntarily complied with the said condition and handed over the affidavit declaring his assets and he undertakes that he will not claim it as self incriminatory or violative of Article 20/21 of the Constitution of India or any other provisions of Evidence Act or any other act.
4. The allegations against the petitioner are that he had demanded and taken bribe from the complainant for not allowing electricity connection to Simarjeet Kaur who was in illegal possession of said plot owned by the complainant. Despite receiving of bribe money from complainant, he allowed her electricity connection.
5. The facts of the case have been taken from paragraph 2 of the bail order dated 12.12.2023 passed by the Sessions Judge, which reads as follows:

2. *The brief facts of the prosecution case are that the present FIR was registered on the complaint of Hazura Singh son of Dana Singh resident of village Neelawali, Tehsil Dabwali, District Sirsa to the effect that Simarajeet Kaur wife of Satpal Singh is illegally encroached his plot situated at Shiv Nagar, Dabwali, and she intended to get an electricity connection for the said plot. On 28.09.2023, complainant had talked with the J.E. and Foreman for restraining Simarjeet to connect the electricity wire. At this, the*

accused persons demanded a sum of Rs.20,000/- as illegal gratification. On 28.09.2023, the complainant gave a sum of Rs.12,000/- to J.E. and Rs.8,000/- to Harvinder Singh, Foreman (applicant) in the presence of Satpal Singh who recorded the said incident in his mobile phone. Despite this, the accused persons had connected the electricity wire at the asking of Simarjeet by accepting more money from her. So that she can encroach the plot of the complainant and all of them can distribute the share after selling the same. With these averments, the complainant sought registration of the matter and strict legal action against the accused.”

6. Considering the nature of allegations and the quality of evidence coupled with the amount involved, this Court does not find it a fit case neither for custodial interrogation nor the incarceration of the petitioner
7. Given above, the petition is allowed and interim order dated 15.01.2024 is made absolute. Pending applications, if any, stand disposed of.

24th January, 2024

Sonia Puri
Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No

(ANOOP CHITKARA)
JUDGE