

2025:PHHC:045438



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-13606-2025

Date of Decision:02.04.2025

Sahil		...Petitioner
	Versus	
State of Haryana and another		... Respondents

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

Present : Mr. Sapan Ahlawat, Advocate with
Mr. Deepak Girotra, Advocate
Ms. Aarti Sharma, Advocate and
Ms. Nirmala Jangra, Advocate, for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 483 of the BNSS, 2023 with a prayer to grant a regular bail in case FIR No.24 dated 09.10.2024 registered under Sections 7, 7-A read with Section 13(2) of Prevention of Corruption Act, 1988 at Police Station ACB, Rohtak.

2. The FIR in the present case was registered on the basis of the complaint lodged by Anand Singh and same has been reproduced below:-

“To,

Superintendent of Police

Anti-Corruption Bureau, Rohtak

Sir,

"It is submitted that I Anand Singh S/o Chand Ram is permanent resident of H.No. 846, AP, Sector-4, Rohtak. We have one shop at Model Town, Rohtak measuring 160 sq. yards which is registered in the name of my mother Kitabo. My mother wanted Blood Transfer Deed of the aforesaid property in my name and regarding this we applied in the office of Registrar, Rohtak on 27/9/2024 and received token no. 0932709202402405. During this period I met with the registry clerk namely Manjeet in the office of Registrar, Rohtak who demanded bribe from me regarding the transfer deed and said if bribe is not given then the Transfer Deed will not be done. When we did not given the bribe at that time, he threw away our documents. To complain about this, the next date on 28.09.2024, when I met Parveen Sharma, Naib Tehsildar, Rohtak in his office, Parveen Sharma justified the demand of bribe asked for bribe from me and told me that we have a companion namely Sahil who looks after our work of bribe, you meet him, he will get your work done. When I met the said Sahil in the Tehsil Office, Sahil told me that this work of your Transfer Deed is of 3 lakhs, but I will get it done in 2 lakhs only. For this, I will also convince Manjeet and Naib Tehsildar. Then on 04.10.2024, when I met Parveen Sharma, Naib Tehsildar, Rohtak, in his office, Parveen Sharma again asked me to meet Manjeet and Sahil for the Transfer Deed and asked me to send Sahil to the Naib Tehsildar Office. On my

asking, Sahil met Naib Tehsildar Parveen Sharma by going to his office and upon coming out demanded a bribe of Rs. 1,80,000/- in the name of Transfer Deed and said that this entire share will go to Naib Tehsildar and his companions and out of this my share will only be coming Rs.10-20,000/- then under the pressure and being troubled by these people, I gave Rs.10,000/- bribe as advance to Sahil at that time. I had also made the voice recording of the conversation during that time on my mobile phone which recording I will put in the pendrive will produce to you later. Remaining bribe amount do not want to give to Sahil and want him to get caught red handed. Legal action should be taken against them.

Applicant

*Anand Singh S/o Chand Ram R/o H.No. 846,
AP, Sector-4, Rohtak*

Mobile No. 7056232140

Date: 09/10/2024.”

3. Learned counsel for the petitioner contends that the allegations in the present case have been primarily levelled against Praveen Sharma, Naib Tehsildar, Rohtak and Manjeet, Reader of the Tehsildar, however, the police has taken no action against the main accused and the petitioner has been made a scapegoat without any justification. He further contends that the petitioner was arrested in the present case on 09.10.2024 and is in custody since then. The

investigation was completed by the police and final report under Section 173 Cr.P.C., has already been presented against him. Learned counsel next contends that during the course of investigation, the trial Court found a *prima facie* case under Section 7 (a) of the Prevention of Corruption Act against the petitioner and he was charge sheeted accordingly. The prosecution has placed reliance on 25 witnesses, but no witness has been examined so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations levelled by the complainant against the petitioner are grave and serious. The petitioner was caught red handed, while accepting the bribe of Rs. 1,00,000/- by the police. Even, the FSL report, received by the police in the present case corroborates the case of the prosecution. Thus, keeping in view the seriousness of the allegations levelled against the petitioner and the role played by him, the present petition deserves to be dismissed by this Court.

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

6. The Hon'ble Supreme Court of India has held in number of judgments that personal liberty is a precious fundamental right and it should be curtailed only when it become imperative according to

the facts and circumstances of the case. Even, when there is delay in trial, normally the bail should be granted to the accused. Even, the Hon'ble Supreme Court laid down the principles, which the Court must consider while granting or declining the bail in the matter of ***Prahlad Singh Bhati Vs. NCT, Delhi 2001(2) RCR (Criminal) 337: (2001)4 SCC 280***, which are as under:-

"The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of the evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only

satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

7. Still further, the Hon'ble Supreme Court has held in the matter of ***State of U.P. v. Amarmani Tripathi, (2005)8 SCC 21***, as under :

*"18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see ***Prahlad Singh Bhati v. NCT, Delhi and Gurcharan Singh v. State (Delhi Admn.)***]. While a vague allegation that the*

*accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan : (SCC pp. 535-36, para 11)***

"11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from nonapplication of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are :

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

*(c) Prima facie satisfaction of the court in support of the charge. (See **Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.**)"*

22. While a detailed examination of the evidence is to be avoided while considering the question of bail, to ensure that there is no prejudging and no prejudice, a brief examination to be satisfied about the existence or otherwise of a prima facie case is necessary."

8. Now coming to the peculiar facts of the present case, the petitioner was arrested by the police in the present case on 09th October 2024. Even though, serious allegations have been levelled against the present petitioner, but he cannot be kept in jail for an indefinite period as under-trial prisoner. The investigation has already been completed by the police and the charge was ordered to be framed against the petitioner on 19.02.2025. Now, the case is listed before the trial Court on 18.04.2025 and out of total 25 witnesses, no witness has been examined so far. Consequently, there are no chances of early conclusion of the trial and no purpose will be served by

keeping the petitioner behind the bars. Even, the prosecution has not placed on record any material to show that the petitioner is in a position to influence the witnesses of the prosecution or there are chances of fleeing from the process of justice.

9. At this stage, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

02.04.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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