



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

CRM-M-17475-2025

Date of Decision:08.05.2025

Yash Pal

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Harsh Mehla, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 01, dated 02.01.2025, registered under Sections 7, 13(1) (B), R/S 13(2) of P.C Act and 308(2) of B.N.S, Police Station Anti Corruption Bureau, Gurugram (Annexure P-1).

2. The F.I.R in the present case was registered on the basis of the statement made by Pushpa wife of Sh. Khemchand and the same has been reproduced below:-

“To the Inspector ACB Gurugram: I, Pushpa, wife of Shri Khemchand, resident of Birsikha, Police Station Sadar, District Nuh. A case FIR no. 84 dated 19.04.2021 under sections 409, 420, 201 was registered against me, my husband Khem Chand, brother Amit and daughters Kirti and Babita in city police station Nuh. In which, I/O Yashpal pressurized me and took Rs. 5 lakhs and Rs. 3 lakhs to remove our name from the case. But our name was not removed from the case. I was arrested on 22.09.2024. After that I

was granted bail by the court on 23.10.2024. After my bail, in the month of November, SI Yashpal called me on my WhatsApp number and called me to the office of Economic Offences Wing Nuh and told me that I will remove your husband, brother and daughters name from the case, you will have to give me Rs. 1 lakh. If you do not give money, I will arrest all of them. Now, Yashpal has been pressurizing me for several days to give a bribe of Rs. 1 lakh. I have no grudge against Yashpal and there is no monetary transaction. I have made a recording on my phone regarding Yashpal demanding bribe, which I will present to you later. Yashpal has called me to Sohna bus stand today with the bribe money. I do not want to give bribe to Yashpal. Legal action should be taken against Yashpal”.

3. Learned counsel for the petitioner contends that it has been falsely alleged that the petitioner had received the alleged bribe amount. In fact, the hands of the petitioner were washed immediately after the alleged recovery and the hand wash test came out to be negative. Even from the transcript of the phone calls between the complainant and the petitioner, it is evident that no bribe was allegedly demanded by the petitioner. He further contends that the petitioner was serving in police for the last 23 years and had unblemished service record. The petitioner was arrested in the present case on 02.01.2025 and challan has already been presented against him. Learned counsel further referred to various interim orders passed by this Court as well the Trial Court to contend that Pushpa, main prosecution witness is intentionally not making her statement before the Trial Court and is making all efforts to delay the trial. Even on the last date, she appeared before the Trial Court and submitted that she was unwell and unable to make the statement before the Trial Court. Thus, the complainant is not deposing before the Trial Court, just to ensure the longer

period of incarceration of the petitioner. He further contends that the petitioner shall not approach the complainant or any prosecution witnesses, during the course of trial.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner.

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

6. In the present case, the petitioner was arrested on 02.01.2025 and is in custody for the last more than four months. The challan has already been presented against him and it is apparent that the complainant, Pushpa is intentionally not making her statement before the Trial Court.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

08.05.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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