

(2018) 09 P&H CK 0187

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No. -31758 Of 2018 (O&M)

Sanjay Sura

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 24-09-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 218
Prevention of Corruption Act, 1988 — Section 7, 8, 9, 12, 13(1)(d), 13(2)
Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 — Section 3, 4, 5, 6, 23, 29

Citation : (2018) 09 P&H CK 0187

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : Jitender Malik, H.S.Saini, H.S.Hooda, C.S.Singh, B.S.Virk

Judgement

All the above-mentioned cases are taken up together as these have arisen from same FIR.

Petitioners have filed these petitions under Section 439 Cr.P.C. for grant of regular bail in case FIR No.546 dated 26.09.2017 under Sections 218, 120-

B IPC and Sections 7, 8, 9, 12, 13(1)(d) and 13(2) of Prevention of Corruption Act, registered at Police Station City, Fatehabad.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per allegations in the FIR, enquiry was conducted on the complaint made by Bhupinder Singh and three other persons regarding alleged extortion

by the police officials on threat of false implications in case FIR No.420 dated

18.09.2016 under Sections 3, 4, 5, 6, 23 and 29 PNDT Act and 120-B

IPC, Police Station City Tohana, District Fatehabad. A Special Enquiry Team was formed and it was found that accused were added in the disclosure

statements, opening up the possibility of free-wheeling and arbitrary investigation wherein alleged accused were arrested, got discharged or otherwise

let-off without any appreciation of evidence. The allegation against Sanjay Sura and Sukhdev Singh is that they have taken huge amount in the name

of police officials. Allegations are also against SI Parveer Kumar, who was the Investigating Officer in that case.

As per learned counsel for petitioner Sukhdev Singh, Sukhdev Singh has been named on the statement of co-accused but there is no allegation that he

has received any money from anybody. Parveer Kumar was the Incharge, who got discharged so many persons from the FIR etc.

Petitioner Sanjay Sura has been in custody since 04.04.2018, and petitioner Sukhdev Singh @ Sukha has been in custody since 10.05.2018 whereas

petitioner Parveer Kumar has been in custody since 08.05.2018. The petitioners are not required for any investigation or interrogation purposes as they

are in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioners in custody till disposal of

the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on

the merits of the case, all the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing personal/surety

bonds in the sum of `50,000/- with one surety in the like amount each to the satisfaction of the trial Court/Duty Magistrate.