



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

CRM-M-63937-2024

Date of Decision:09.01.2025

Head Constable Vikas @ Vikash

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Rahul Yadav, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.16, dated 30.04.2024, registered under Sections 384 of IPC and 7A of P.C Act, at Police Station ACB, Gurugram, District Gurugram Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Navi Hasan and the copy of the complaint has been reproduced below:-

“To, Station House Officer Police Station Anti Corruption Bureau Gurugram, Sir, the request is that 1, Navi Hasan son of Mehdi Hasan, resident of village Prithvipur Navadiya Police Station Afisganj District Bareilly Uttar Pradesh. And I work as a scrap buyer. My scrap buying shop is near village Dhankot Gol Chakkar. On 28.04.2024, a person named Krishan Kumar came to my scrap shop and said that I have an electric wire cable, will you buy it. So, I refused to buy it from him, on which he said that I am from the

electricity department and I have an electric wire. You can buy it, on which I trusted Krishan, the electricity employee, and said yes to buy it. And I sent my son Rajababu with Krishan to get the electric wire and my son came to the shop with the electric wire and at the same time a person came to my shop in civil clothes whose name and address I do not know and said that this is a stolen wire. You will have to go to the police station. And he took my son Rajababu along with the electric wires to the police station and got FIR 166/2024 registered against my son at Rajendra Park Police Station Gurugram and put my son in jail. After that yesterday on 29.04.2024, the same person in civil clothes came to my shop and told me that I have got your son's case a normal case, give me 10,000 rupees, if you don't give, I will get you trapped in another case. I said that I am a poor man, after that he agreed for 5,000 rupees. And said that I will give you the money as soon as I arrange it. And he left the shop and in the evening called my mobile number 7060835059 from his mobile number 9821458688 and 9992593387 and demanded money, which I recorded in my phone. And today on 30.04.2024, I got a call again and he is demanding money. I do not want to give bribe money to the bribe-taking employee. I have no dealings with the person who demanding the bribe. I will put the recording in a pen drive and present it to you. Action should be taken against the above accused. SD Navi Hasan son Mehdi Hasan resident of village Prithvipur Navadiya Police Station Afficeganj District Bareilly Uttar Pradesh Date 30.04.2024, 7060835059”.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused Ankit, who was apprehended at the spot with bribe. Learned counsel further contends that the co-accused Ankit was working as a Security In-charge in a company BPTP, Amstoria and he had

earlier lodged one FIR No.166 dated 28.04.2024 at Police Station Rajendra Park, Gurugram and the petitioner was appointed as an I.O in the said case. The petitioner had arrested the accused in the present case and was conducted the investigation fairly. Thus, the petitioner had no reason to ask for money from Ankit, co-accused. He further contends that Ankit, co-accused has already been granted the concession of regular bail by the Court of Additional Sessions Judge, Gurugram vide order dated 03.07.2024 (Annexure P-3). He next contends that the mother of the petitioner is suffering from heart disease, whereas, his father is suffering from brain tumor and his case requires sympathetic consideration.

4. Pursuant to the notice issued by the Court, a reply by way of an affidavit of Deputy Senior Superintendent of Police, Anti Corruption Bureau, Gurugram has been filed on behalf of respondent-State and the same is taken on record.

5. Learned State counsel submits that initially, one FIR No.166/2024 was registered against Raja Babu, son of the complainant and the Raja Babu was arrested in the said case. On 29.04.2024, the police official came in civil clothes at the shop of the complainant and told him that another case has been registered against his son and demanded a sum of Rs.10,000/-. He threatened the complainant that in case, the complainant did not pay the amount of bribe, his son would trap in another case. The complainant agreed to pay a sum of Rs.5000/- at that juncture and the conversation was recorded by the complainant in his phone. An amount of Rs.5000/- was handed over as bribe to Ankit, co-accused and Ankit was caught red handed by the officials of Anti Corruption Bureau. During the course of investigation, Ankit, co-accused suffered a

disclosure statement and stated that the amount was to be handed over to petitioner, who was working as a Head Constable. Even, the conversation between Ankit and the petitioner was found in the mobile phone of the Ankit and the petitioner had discussed the issue of bribe with Ankit in the said conversation. The transcript of the said conversation has been annexed as Annexure R-2 with the reply filed by State of Haryana. From the said conversation, it is clear that the petitioner had demanded a sum of Rs.30,000/- as bribe and in pursuance of the said demand, a sum of Rs.5000/- was paid by the complainant to Ankit, co-accused and while accepting the bribe, Ankit, co-accused was arrested by the officials of Anti Corruption Bureau.

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

7. In the present case, there are serious allegations against the petitioner that he had demanded a sum of Rs.30,000/- from the complainant for not arresting his son and he had deputed Ankit to collect the bribe from the complainant. Now, Ankit has made a statement that he had accepted the bribe on behalf of the present petitioner. Apart from that, the recorded conversation also prima facie proves that the petitioner was involved in the crime.

8. Thus, keeping in view of the involvement of the petitioner in the present case, the petitioner is not entitled for grant of concession of anticipatory bail in the present case and the present petition is accordingly, dismissed.

09.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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