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

CRM-M-38117-2025

Date of Decision:24.07.2025

Ajay Kumar and another

...Petitioners

vs.

State of Haryana

...Respondent

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

Present : Mr. Nonish Kumar, Advocate
for the petitioners.

Mr. Dhruv Dayal, Additional Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to them in case FIR No.71 dated 08.04.2025 registered under Section 7 of Prevention of Corruption Act, 1988, Section 308(2) of BNS, 2023 at Police Station Sector-17-18, Gurugram, District Gurugram.

2. The FIR in the present case was registered on the basis of the statement made by Gulab Singh Sahu son of Sh. Sham Sahu and the same has been reproduced below:-

“To SHO P.S. Sector-17/18 Gurugram, Sir, I Gulab Singh Sahu son of Sh. Sham Sahu am resident of village Bathiya, Post Putah, Police. Station Mani Gachhi, District Darbanga Bihar now temporarily residing in front of One-l building, Sector-18, Gurugram in a temporary hut and running a Tea, Paratha and cigarette Shop, Hawaldar Rajbir of police station 18 used to come to my shop and used to threatened me to shut the shop and he also used to took up the things from my shop: I said sorry to Rajbir and

requested him then Rajbir asked me to pay Rs. 5000/- per week in lieu of running of shop. I was helpless and said yes to him. Thereafter, Rajbir used to come on every week to my shop and he used to take Rs. 5000/- in cash. Thereafter, constable Ajay of ERV Staff and SPO Anil also started coming to my shop and they also started threatening to close the shop and in the night they asked me to close the shop. I was also helpless before them but in order to run the shop I also started them paying sometime Rs. 1000/- or Rs. 500/- per week to them. When I felt the loss, then I installed one camera and I started preparing their video of taking cash of Rs. 1000/- and Rs. 500/- to Hawaldar Rajbir, Anil and Ajay, when they come to my hut. I will handover the same to you in the pen-drive. SPO Anil also asked me to send the money in the bank account of one someone. I will also give the details of same. I also known to ASI Bijender of Sector-18 MM, for last 4-5 years, he also used to threatened me to close the shop and he also used to take Rs. 10,000/- in cash and once I deposited money in the bank account. I am fed-up from the harassment and threatening of the police and I want to take action against them. Sa/ - Gulab Singh.”

3. Learned counsel for the petitioners contends that in the present case, the statement of the complainant has been recorded under Section 164 of Cr.P.C. and the complainant has resiled from his earlier version and did not level any allegation against the petitioners. Learned counsel further submits that even the CCTV footage has been sent to the FSL for analysis and no report has been received so far. The petitioners were arrested in the present case on 09.04.2025 and are in custody for the last more than 03 months. After completion of investigation, challan has been presented against them. However, no witness has been examined so far. Thus, conclusion of the trial may take quite a long time.

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 petitioners had accepted bribes from the complainant and the said illegal act was recorded on a CCTV camera, which was installed by the complainant.

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

6. In the present case, no doubt the allegations levelled against the petitioners are serious in nature, but the petitioners are continuing in custody for the last more than 03 months. After completion of the investigation, the final report has been prepared and presented before the Court against them. However, even the charge has not been framed against the petitioners and the trial is not likely to conclude in near future.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

24.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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