

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. MP(M) No. 111 of 2014.

Decided on: 30th January, 2014.

Mohinder Singh

.....Petitioner.

Versus

State of H.P.

.....Respondent.

Coram

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

Whether approved for reporting?¹ No.

For the petitioner :

**Mr. N.K. Thakur, Senior Advocate, with
M/s. Ramesh Sharma and Rahul
Verma, Advocates.**

For the Respondent :

**Mr. Ravinder Thakur, Additional
Advocate General with Mr. Vikram
Thakur, Deputy Advocate General.**

**Inspector Karan Singh, of Police
Station State Vigilance and Anti
Corruption Bureau, Dharamshala, is
also present.**

Dharam Chand Chaudhary, J. (oral).

Petitioner is an accused in a case registered against him under Sections 7, 13 (2) of the Prevention of Corruption Act vide FIR No. 1 of 2014, in Police Station State Vigilance and Anti Corruption Bureau, Dharamshala, on 4.1.2014. He has been arrested on the day of registration of the case itself and presently is in judicial custody.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2. The record reveals that the accused-petitioner is a Patwari by profession and presently posted as such in Patwar Circle, Mahant Shyamnagar in District Kangra. The complainant, who allegedly is resident of Shiv Vihar, Ram Nagar, was wrongly entered into revenue record a resident of Mahant. Therefore, he made an application for correction of the place of his residence in revenue record to Tehsildar, which was forwarded to Partwar Circle, Mahant for needful. The complainant visited the accused-petitioner on several occasions and requested him to submit the report on the correction application, but of no avail. Ultimately he allegedly demanded ₹2,000/- as bribe from the complainant, who being not in favour of payment of bribe to the accused-Patwari, reported the matter to the police. In a trap laid by the police, the accused-petitioner has allegedly been caught red-handed while taking ₹2,000/- as bribe from the complainant. After recovery of the amount in question from the accused-petitioner and on the completion of investigation on the spot he was arrested and since then is in custody.
3. The application has been sought to be dismissed on the ground that further investigation qua the proportionate assets, if any, and property in the

ownership and possession of the accused-petitioner is left to be conducted. The case against the accused-petitioner has been registered on 4.1.2014. He has been arrested on that very day. He even has been interrogated in custody also. The investigating agency, therefore, had sufficient time for conducting further investigation qua disproportionate assets, if any, with the accused and would have completed the same by this time. The accused-petitioner is permanent resident of District Kangra. Therefore, it can reasonably be believed that he has roots in the society. There is no likelihood of his fleeing away from justice or jumping over the bail. Otherwise also well before holding trial against him and arriving at a conclusion that he has committed the alleged offence in the manner as claimed by the prosecution he is not required to be detained any further in custody. This application, therefore, is allowed and it is ordered that the accused-petitioner, who presently is lodged in judicial custody, in connection with FIR No.1 of 2014, registered in Police Station, State Vigilance and Anti Corruption Bureau, Dharamshala, shall be released on bail, subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of learned Chief Judicial Magistrate/Judicial Magistrate,

Kangra at Dharamshala and shall further abide by the following conditions:-

That he shall:

- (a) make himself available for the purpose of interrogation as and when required and shall cooperate with the Investigating Officer to conduct the investigation in a manner so as to take it to its logical end;
- (b) not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;
- (c) not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer; and
- (d) not leave the territory of India without the prior permission of the Court.

4. It is clarified that if the petitioner misuses his liberty or violates any of the conditions imposed upon him; the Investigating Agency shall be free to move this Court for cancellation of the bail.

5. The observations hereinabove shall remain confined to the disposal of this petition and have no bearing on the merits of the case. The petition stands disposed of.

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January 30, 2014
(rc)

**(Dharam Chand Chaudhary),
Judge.**