



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2024.
(Arising from SLP(CrI.)No(s). 1079/2024)

BIJENDER

APPELLANT(S)

VERSUS

STATE OF HARYANA

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned senior counsel/counsel for the appellant and the State.

The appellant is a Junior Engineer (Electrical) attached to the Municipal Corporation, Sonapat, Haryana. His plea for anticipatory bail has been rejected by the High Court on 19.12.2023 and the appellant is before us assailing that order. The allegations against the appellant primarily relates to taking a bribe to sign the proposal to enhance the cost estimate for upgrading a building of the Municipal Corporation, Sonapat, to a 'green building'. The Municipal Corporation alleges that such exercise led to inflating of the tender value.

The learned counsel for the State opposed his plea for pre-arrest bail by filing a counter affidavit. In our order passed on 05.02.2024 giving the appellant interim protection, it was directed that the said protection was subject to the appellant's cooperation with the investigating agency. It is not in dispute that the appellant has joined the investigation but the main reason for opposing the prayer of the appellant

for pre-arrest bail has been disclosed in paragraph 13 of the counter affidavit, which we quote below:-

"13. That the petitioner/accused had though joined investigation on dated 10.02.2024, as per order passed by this Hon'ble Court but the petitioner did not cooperate with the police nor got recovered the amount of bribe received by him nor disclosed the other facts of this case properly. Therefore, the custodial interrogation of petitioner/accused is required in the present case for thorough investigation."

We cannot treat the behaviour attributed to the appellant to be instances of non-cooperation justifying dismissal of his appeal for pre-arrest bail. An accused, while joining investigation as a condition for remaining enlarged on bail, is not expected to make self-incriminating statements under the threat that the State shall seek withdrawal of such interim protection.

In this proceeding, we are concerned with detention of the appellant at the investigation stage and we are not testing the legality of the case instituted against him. We do not find any reason for custodial interrogation of the appellant. There is no aggravating factor either, which would justify his detention at the investigation stage.

We, accordingly, set aside the impugned order and direct that in the event of arrest of the appellant in connection with FIR No.0354/2022 dated 22.06.2022 registered with Police Station Faridabad Kotwali, District Faridabad, Haryana he shall be released on bail on such terms and conditions the Trial Court may consider fit and proper.

We further direct that the appellant shall continue to

cooperate with the investigating officer during the period of investigation.

The appeal stands allowed in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.
[ANIRUDDHA BOSE]

.....J.
[SANJAY KUMAR]

New Delhi;
March 06, 2024.

ITEM NO.12

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 1079/2024
(Arising out of impugned final judgment and order dated 19-12-2023
in CRM-M No. 58694/2023 passed by the High Court Of Punjab &
Haryana At Chandigarh)

BIJENDER

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.18659/2024-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.18664/2024-EXEMPTION FROM
FILING O.T.)

Date : 06-03-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Anmol Kheta, Adv.
Ms. Tanya Srivastava, Adv.
Mr. Suraj Mishra, Adv.
Mr. Pradyuman Kaistha, Adv.
Ms. Anshala Verma, Adv.
Mr. Monu Kumar, Adv.
Mr. Ayush Anand, AOR

For Respondent(s) Mr. Deepak Thukral, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Samyak Jain, Adv.
Mr. Ayush Raj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed and the appellant is granted
anticipatory bail in terms of the signed order, which is placed on
the file.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR