

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-12667 of 2015

Date of Decision: May 11, 2015

Pala Ram Bishnoi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.VK Jindal, Senior Advocate with
Ms.Garima Jindal, Advocate for the petitioner.

Mr.MS sidhu, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure praying for the grant of anticipatory bail to the petitioner in case FIR No.3 dated 7.2.2014, under Sections 7, 13(1) of the Prevention of Corruption Act, 1988 and under Section 409 of Indian Penal Code registered at Police Station State Vigilance Bureau, Sector 17, Panchkula.

Learned senior counsel appearing for the petitioner would argue that the petitioner, who is a senior Officer working under the State of Haryana has been implicated on the basis of a motivated complaint dated 8.3.2011 made by Lt.Col.(Retired)

Shadi Ram Saini who was a Proprietor of Haryana Security

Services, Ambala City. It is contended that the petitioner had never demanded bribe so as to facilitate the issuance of a labour licence to the complainant. Learned senior counsel submits that factually, it was the Principal of Kalpana Chawla Polytechnic for Women, Ambala City who was interested in the issuance of a licence in favour of the complainant so as to provide workers in the College on outsourcing basis, but since the application submitted by the complainant did not fulfil the requisite requirements as per provisions of the Contract Labour (Regulation and Abolition) Act, 1970, accordingly, the petitioner had raised objections and pointed out shortcomings in the application. It is further argued that the Principal of the College had repeatedly addressed communications to the petitioner for grant of labour licence in favour of the complainant and in this regard, has adverted to the documents placed on record at Annexures P2 to P5. It is contended that only on account of the licence having not been issued, the complainant had submitted a false complaint. Yet another submission raised by learned senior counsel is that the allegations of demanding and accepting bribe were made against the present petitioner in the capacity of holding a post of Deputy Labour Commissioner, Panchkula as also against one Paramjit Singh, Labour Officer, Ambala, but during the course of enquiry, Paramjit Singh has been found to be innocent. This, as per counsel, was in itself sufficient to hold the complaint lodged by Lt.Col. (retired) Shadi Ram Saini to be frivolous and false.

On the previous date of hearing i.e. on 1.5.2015, this Court had directed the learned State counsel to produce the

original complaint dated 8.3.2011 that had been filed by the complainant. Such directions were issued obviously to examine the nature of allegations made against the present petitioner by the complainant.

During the course of hearing today, Mr.MS Sidhu, learned Additional Advocate General, Haryana has produced a copy of the complaint dated 8.3.2011 that had been made by the complainant i.e. Lt. Col. S.R.Saini (retired) to the Labour Commissioner, Haryana. Perusal of the same would reveal that there are specific allegations pertaining to 23.12.2010 wherein the complainant alleges to have spoken to the present petitioner on the phone by putting the speaker on and in the presence of Jaspal Singh, CEO, Vita Milk Plan, Ambala, PS Saini, AGM and Pawan Oberoi, Admn. Officer and whereupon the present petitioner had handed over the phone to Paramjit Singh, Labour Officer and who, in turn, had stated that nothing less than ₹20,000/- was acceptable to settle the issue. Furthermore, as per complaint, the complainant had visited Labour Office, Ambala on 28.12.2010 where the present petitioner was also present and in consultation with the present petitioner, Paramjit Singh had taken ₹10,000/- and had stated that balance ₹10,000/- would be taken at the time of issuance of labour licence. Still further, allegation is that on 21.1.2011, licence for the year 2011 was refused by the present petitioner stating that documents are not complete and as such, either complete the documents or pay ₹30,000/- for issuance of the same. The complainant thereafter is stated to have told the petitioner on 24.2.2011 that since the licence has

not been issued, ₹10,000/- already taken be returned and upon which, the present petitioner had allegedly agreed to return the same and had called upon the complainant to collect such money on 28.2.2011. Complainant has further asserted that on 28.2.2011 when he met the petitioner at the Ambala Office at 12.00 hours, the petitioner had stated that he was busy and had not taken out the money from the ATM. The petitioner then is stated to have given a call to the complainant at 18.30 hours on 28.2.2011 to the effect that ₹10,000/- had been handed over to the Peon of the Office, namely, Anil Kumar and the money may be collected from him. The complainant has further alleged that Peon Anil Kumar also gave a call to him from No.01712533165 (Office telephone number) at 19.05 hours stating that ₹10,000/- had been handed over by Mr.Bishnoi, the present petitioner, and the same may be collected. Thereafter, as per complaint, the petitioner had collected cash of ₹10,000/- from Peon Anil Kumar on 1.3.2011.

The complaint is supported by an affidavit of the complainant dated 8.3.2011.

The allegations are clearly suggestive of illegal gratification having been demanded by the petitioner while posted as Deputy Labour Commissioner to facilitate the issuance of a labour licence. Merely because co-accused Paramjit Singh, Labour Officer has been found innocent would not dilute the gravity of offence and seriousness of the allegations against the petitioner.

In the light of such serious allegations, this Court does

not find any infirmity in the order dated 8.4.2015 passed by the learned Additional Sessions Judge, Panchkula declining the concession of pre-arrest bail to the petitioner.

The present petition, accordingly, is dismissed.

May 11, 2015

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether referred to Reporter? (Yes/No)