

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-22300 of 2015 (O&M)
Date of Decision:- 31.08.2015

Jasmer Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. Naveen Sheoran, D.A.G., Haryana, for the State.

SHEKHER DHAWAN, J.

Petitioner has applied for anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.38 dated 08.06.2015, under Sections 7 and 13 of the Prevention of Corruption Act, registered at Police Station SVB Rohtak.

Relevant facts of the case that Vigilance Department investigated the matter on the basis of complaint made by complainant Madan Lal. Rinku Kumar and Deepak were apprehended and bribe money of ₹50 each was recovered, which they had accepted from the complainant. On interrogation they disclosed that at the instance of the contractor Jasmer Singh (present petitioner), they started taking ₹100/- or ₹50 from every person, as per their status for filling the Aadhar Cards and they used to collect sometimes ₹2000/-, ₹3000/- and ₹4000/- and they used to give the said amount to Jasmer Singh (contractor). Jasmer Singh used to give them

₹400/- to ₹500/-, which they used to distribute in equal shares.

Learned counsel for the petitioner contended that the prosecution case is totally false because petitioner is not covered under the definition of public servant rather he was working for computer generating programme. He was 'Service Provider' appointed by Omnitech Info Solutions Ltd., to whom the contract for issuance of Aadhar Cards was awarded. More so, the allegations against the petitioner are just based on disclosure statement of co-accused, which are not admissible as per law.

Learned State counsel opposed the bail application on the ground that the custodial investigation of the petitioner is required because as per information received from District Nodal Officer (Aadhar)-cum-Sub Divisional Officers (Civil), Indri, District Karnal, no such agency was authorized by this office for Aadhar Enrollment in any of the District in Haryana. Whereas the present petitioner was running the illegal business, under the garb of preparing Aadhar Cards, without any authority and collecting the personal secret information of innocent illiterate peoples.

Having considered the rival submissions and the fact that as no agency was authorized by District Nodal Officer for preparation of Aadhar Enrollment in any of the District of Haryana and petitioner being indulging in such activities and also used to receive the money to which he was not entitled. The entire matter requires custodial investigation and as such no case is made out for release of petitioner on anticipatory bail.

Accordingly, the present petition is dismissed.

August 31, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE