

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20216 of 2018
Date of Decision: 23.05.2018

Jasmer @ Jashmer

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.3 dated 09.04.2018 registered for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 (for short 'P.C. Act'), at Police Station Vigilance Bureau, Rohtak, District Rohtak. (Offences punishable under Sections 8 and 13 of the P.C. Act were added later on)

2. As per allegations in the FIR, complainant-Gagan Dhupar required Provisional Transfer Letter (PTL) of his factory from the office of HSIIDC, Kundli. He approached the petitioner with his file, who checked all the papers and asked him to deposit the file. On deposit of file, he was given receipt no. 2648 dated 22.03.2018. Thereafter, petitioner-Jasmer @ Jashmer and S.K. Kataria (non-applicant) came to the factory of complainant and told him that they charge ₹10 lakhs for issuance of PTL from a running factory. The factory of complainant was lying closed, as such, he had to pay ₹20 lakhs otherwise his file will be sent to Head Office

Panchkula, where it will take about 2 years to process the matter and his factory, which is worth crores of rupees, may be resumed. Both demanded ₹20 lakhs for issuance of PTL. When complainant pleaded his inability they told him that they had to give share of money taken by them to their officers who will not meet him as this job has been entrusted to them. On pleading his inability to pay amount demanded by them, they agreed to take this amount in installments and asked him to bring ₹1 lakh.

3. Learned State counsel submits that the matter was reported to Vigilance Department and a raid was conducted. Complainant when reached the place as per direction of petitioner to pay amount of ₹1 lakh, the petitioner sent his friend Kamal to collect the bribe money, who was caught red handed. On arrest, Kamal disclosed that he has received the amount of ₹1 lakh for and on behalf of petitioner. Mr. S.K. Kataria has also been arrested in this case and custodial interrogation of the petitioner is required to crack the nexus being run by officials of HSIIDC to take bribe money from persons who have been allotted industrial plots.

4. Learned counsel for the petitioner has argued that recovery of bribe money has been effected from Kamal. Petitioner under the procedure as prescribed in Estate Management Procedure, 2015 was not competent to issue PTL. He is ready to join the investigation and provide required information and documents as desired by prosecution. His custodial interrogation is not required as Kamal and S.K. Kataria have already been arrested and released on regular bail.

5. As per allegations in this case, petitioner and S.K. Kataria (since arrested) have demanded bribe of ₹20 lakhs from complainant. The petitioner had deputed his friend to collect first installment of ₹1 lakh from

complainant, who was nabbed by the Vigilance Department. The file of complainant for issuance of PTL was already under process. This argument of learned counsel for the petitioner that under the Estate Management Procedure, 2015, the petitioner was not competent to issue PTL has no merit at this stage because he had taken with him his officer S.K. Kataria.

6. Allegations against the petitioner are quite serious in nature. It appears that in order to dodge police he had deputed his friend to receive bribe money. Keeping in view seriousness of offence and that grant of anticipatory bail in such type of cases will convey a wrong signal to society, I am of the considered opinion that it is not a fit case to exercise discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner at this stage.

7. This petition has no merit and the same is dismissed.

May 23, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No