

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

**CRM-M-33223-2019  
Date of decision: 07.12.2019**

**Suresh Kumar**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Vinod S. Bhardwaj, Advocate  
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 230 dated 18.05.2019, registered under Section 384 IPC read with Sections 7, 7A, 8, 9 and 13 of the Prevention of Corruption Act, 1988 at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant ASI Satish Kumar, it is stated that when he was present at bypass Rohtka, he received a secret information that Ravinder @ Kala and Surender Rathi are making illegal recovery in lieu of helping the overloaded vehicles pass through Dadri, Narnaul, Jhajjar, Rohtak, Bhiwani and Sonapat. It is further stated that Manish Madan, Assistant Secretary and Amit, Clerk, both from the office of RTA, Dadri, are also involved in this act. It is further stated that on the day of making the complaint, both the aforesaid accused persons had

paid Rs. 12,00,000/- to Manish Madan and Rs. 8,00,000/- to Amit and on 18.05.2019, they were about to pay Rs. 10,00,000/- to the aforesaid officials and if an immediate raid is conducted, they can be caught red handed. Upon this, SHO/ASI contacted the Crime Branch and prepared a raiding party and reached at the spot, where they found that two vehicles were parked outside of a park, in which, one person each was sitting, one of them informed his name as Ravinder @ Kala, who was counting money. By taking the bag from the possession of Ravinder @ Kala, Rs. 12,50,000/- were recovered, vide recovery memo. In the second car, Surender Rathi was found sitting, from whom, Rs. 1,00,000/- were recovered by the police. On investigation, Ravinder @ Kala and Surender Rathi informed that by deducting 10% of their share, the remaining amount was to be paid to Manish Madan, Assistant Secretary and Amit, Clerk of RTA Office, Dadri. Therefore, the FIR was registered and Manish Madan and Amit were arrested and a sum of Rs. 42,10,000/- was recovered at the instance of Manish Madan and a sum of Rs. 8,10,000/- was recovered at the instance of Amit. During investigation, Manish Madan, on interrogation, disclosed that he used to send some share of illegally collected money to Deputy Commissioner and Assistant Deputy Commissioner, Charkhi Dadri through petitioner Suresh Kumar, who was P.A. to Deputy Commissioner, Charkhi Dadri.

Learned counsel for the petitioner has argued that an SIT was constituted to investigate the case and the petitioner was arrested on 02.06.2019 and on his disclosure, Rs. 19,000/- were recovered along with four mobile phones. It is further submitted that report under Section 173 Cr.P.C. stands presented and it is mentioned in the report that further

investigation will be conducted with regard to persons whose names have surfaced in the disclosures made by the accused persons.

On 07.11.2019, noticing the fact that in the disclosure statement, name of the Deputy Commissioner, Charkhi Dadri and Assistant Deputy Commissioner, Charkhi Dadri have come, no investigation was carried out to unearth the entire magnitude of the racket, which according to the prosecution, involves many officials, high and low, learned State counsel was directed to file a status report.

Learned State counsel, assisted by ASI Arvind Kumar, has filed the custody certificate of the petitioner along with status report by way of affidavit of DSP, Rohtak. In the affidavit, it is stated that in the disclosure of Manish Madan, it has come that he used to send some share of illegally collected money to the then Deputy Commissioner and Assistant Deputy Commissioner, Charkhi Dadri through petitioner Suresh Kumar, who was P.A. to Deputy Commissioner, Charkhi Dadri.

It is further stated in the affidavit that on 18.05.2019, an SIT was constituted by Superintendent of Police, Rohtak and later on, Inspector General of Police, Rohtak Range, Rohtak constituted another SIT headed by S.P., Rohtak along with two Additional Superintendent of Police On 22.05.2019. It is further stated that on further investigation of Manish Madan, names of Manoj Kumar, ADC, Charkhi Dadri, Sangeeta Tatarwal, IAS, ADC, Secretary, RTA, Charkhi Dadri, Ajay Tomar, IAS, DC, Charkhi Dadri, Garima Mittal, IAS, DC, Narnaul, Vikram, ADC, Narnaul, Mahipal, Surender Jakhar, Dharmender Pehlwan, Ashok Driver and Dholia have surfaced in the matter. Thereafter, notices were issued to all the aforesaid

officers/officials to join investigation but they refused to receive the notices on the pretext that police had not obtained any permission from the Chief Secretary, Haryana.

It is further stated in the affidavit that on 02.06.2019, the petitioner was arrested and in pursuance to his disclosure, Rs. 19,00,000/- were recovered. Again, on 05.06.2019, notices were served to two suspects, namely Sangeeta Tatarwal, IAS and Ajay Tomar, IAS, but they refused to turn up. Again, on 15.06.2019, notices were issued to aforesaid officers through Chief Secretary, Haryana for joining investigation on 20.06.2019 but they did not turn up. Finally, they joined investigation on 26.07.2019 and also submitted their written statements. Both of them were served with interrogatories but they sought time to file reply. Similarly, notices were issued to another accused Rajesh, Transport Sub Inspector, RTA Rohtak. It is further stated that report 173(2) Cr.P.C. was filed on 15.07.2019 against accused Ravinder @ Kala, Surender Rathi, Manish Madan, Amit and petitioner Suresh and sanctions for the prosecution qua Manish Madan, Amit and petitioner Suresh have been received from the competent authority.

It is further stated in the affidavit that investigation against the above named persons is still pending and even the supplementary challan along with FSL report was submitted on 22.08.2019 and again notices have been issued to four IAS Officers for joining investigation and they were joined again and given questionnaire, to which, they have sought time.

It is, thus, submitted that investigation in the case is still undergoing and the senior officers of the State of Haryana are avoiding the

joining of investigation.

Learned State counsel has submitted that if the petitioner is granted concession of regular bail, it will affect the investigation which is at advance stage.

After hearing learned counsel for the parties and going through the aforesaid status report, I am not inclined to grant concession of regular bail to the petitioner, at this stage, considering the fact that investigation is still going on and there are serious allegations against the petitioner as well as other accused persons.

Accordingly, the present petition is dismissed.

07.12.2019

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*