

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

206

CRM-M-39955-2019
Date of decision: 19.12.2019

Chaman Lal**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. M. K. Dogra, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 136 dated 03.07.2019, under Section 166 IPC and Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station Civil Lines, Amritsar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the truck of complainant Tarlok Singh was taken in possession by the police in DDR No. 31 dated 08.04.2019, Police Station Kathu, District Amritsar (Rural).

Learned counsel further submits that thereafter, the complainant had moved an application before the Illaqua Magistrate for releasing the truck on superdari, in which the SHO, PS-Amritsar has given 'no objection' and accordingly, the trial Court released the said truck with a direction that the owner of the truck will furnish the superdari bonds

regarding release of truck. Later on, a complaint (Annexure P-5) was given on 12.06.2019 by the owner of the truck that the petitioner, who was posted as MHC, had illegally taken Rs. 56,000/- from him for the purpose of releasing the truck and even after passing of the order for release of the truck, another amount of Rs. 10,000/- was demanded by the petitioner along with co-accused Sudesh Kumar and SHO of the police station.

In para 5 of the said complaint, it is stated that there is a recording of call conversation regarding money taken by the petitioner in which he is also stating that SHO is demanding money and audio clip and video recording of the same were attached with the complaint given before the Magistrate. It is further stated that despite the order of Court, the vehicle was not released and it was handed over to Jammu Police.

Learned counsel for the petitioner has argued that in fact, after the truck was released on 31.05.2019 and thereafter it was handed over to Jammu Police in connection with FIR No. 68 dated 08.04.2019, under Section 407 of Ranbir Penal Code, SVT, 1989, District Jammu.

Learned counsel for the petitioner further argued that since the owner of the truck/complainant Tarlok Singh never approached for releasing the truck, there was a delay in releasing the same.

Learned State counsel, on instructions from ASI Jaswant Singh, has not disputed the fact that the vehicle was released on 31.05.2019 and thereafter, it was handed over to Jammu Police on 01.06.2019.

Learned State counsel further submitted that the Illaqua Magistrate, after going through the contents of the said complaint, has directed to registered the present FIR as there was a CD recording regarding demand of money from the complainant.

After hearing learned counsel for the parties, I do not find any ground to grant concession of anticipatory bail to the petitioner considering the serious and direct allegations against him, as per which, despite there being an order of Court, he has taken illegal gratification from the complainant for the release of his vehicle along with other co-accused and thereafter, he has handed over the said vehicle to Jammu Police and the present FIR has been registered against him on the direction of Illaqua Magistrate after receiving a complaint from the complainant, in this regard.

Accordingly, this petition is hereby dismissed.

19.12.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No