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

**CRM-M No.1182 of 2020
Date of Decision: 31.01.2020**

**Ravinder Kumar @ Kala
Vs**

.....Petitioner

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amit Jhanji, Advocate and
Mr. Parteek Gupta, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl, AG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.230 dated 18.05.2019 registered under Section 384 IPC and Sections 7, 7A, 8, 9 and 13 of the Prevention of Corruption Act at Police station Sampla, District Rohtak.

Earlier petition was got dismissed as withdrawn as supplementary challan was awaited at that time.

As per allegations in the FIR, the petitioner and co-accused Surender Rathi are involved in extorting money from the transporters for clearance of the overloaded vehicles from the barrier and preventing them from being challaned. It has

been alleged that for each vehicle, they used to recover Rs.8000/- from the driver. An amount of Rs.12 lacs has been recovered from the petitioner. Similarly an amount of Rs.42 lacs has been recovered from Assistant namely Manish Madaan and an amount of Rs.8 lacs has been recovered from Amit Kumar (Clerk). In this way, different amount has been recovered from different persons.

It would be debatable as to whether recovered amount can be treated to be tainted amount for the purpose of prosecution of the case under the offences of Prevention of Corruption Act.

Evidently, the petitioner has not been arrested in a trap case. Recovery is from his own car. Recovery of the amount shall remain debatable as the same is not having the configuration of any tainted money i.e. having initials of some officer. Police has recorded 33 statements of transporters under Sections 161 and 164 Cr.P.C. The date of making the said statements viz-a-viz the date of alleged payments to the petitioner would also remain debatable. At this stage, these statements cannot be conclusively commented upon, lest it may prejudice the case of either sides.

Learned State counsel on instructions from ASI Arvind states that there could not be any dispute regarding aforesaid

factual details of the case and further submits that out of total 62 prosecution witnesses, only 1 witness has been examined and next date of hearing before the trial Court is 26.02.2020.

Petitioner is in custody since 18.05.2019. The trial of the case may take some time in its conclusion.

In view of above, without meaning anything on merits of the case, petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

31.01.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No