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

**CRM-M No.9301 of 2020
Date of Decision: 06.03.2020**

Amit

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Amit Jhanji, 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 case bearing FIR No.230 dated 18.05.2019 registered under Section 384 IPC and Sections 7, 7-A, 8, 9 and 13 of the Prevention of Corruption Act at Police Station Sampla, District Rohtak.

Petitioner is a clerk in RTA Officer. Allegations are that the accused 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 charge Rs.8000/- from the driver. An amount of Rs.8,10,000/-, 1 laptop, 1 pan drive and 1 mobile have been recovered at the instance of the petitioner from the rented accommodation of one Manish Madaan who is Assistant Secretary in the office of RTA and has also been arrayed as co-accused in the present case. An amount of Rs.42 lacs has been recovered from Manish Madaan.

Learned counsel for the petitioner submits that it would be debatable as to whether recovered amount can be treated to be tainted money for the purpose of prosecution of the case under the provisions of Prevention of Corruption Act. Petitioner has not been arrested in a trap case. Recovery has not been effected from the person of the petitioner nor from his house.

The recovery of the amount would remain debatable as the same is not having any configuration of any tainted money. The 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.

The statements of the transporters viz-a-viz the amount allegedly paid by them and the recovery by the police would be

tested at the threshold of identity of the currency. The statements of the transporters appear to be silent with regard to the date of alleged payment to the accused persons. In the absence of the date, it would be debatable as to whether the amount recovered from the accused was the same amount which was allegedly paid by the transporters to the accused for getting their vehicles cleared from the barrier.

Learned State counsel on instructions from ASI Arvind Kumar states that out of 69 prosecution witnesses, one witness has been examined in chief. Next date is 19.03.2020 for remaining prosecution witnesses. Investigation is still in progress qua some of the accused, who have not been arrested so far. Learned State counsel also points out that CRM-M No.33223 of 2019 filed by one of the accused namely Suresh Kumar, PA to Deputy Commissioner has been dismissed by the Co-ordinate Bench on 07.12.2019.

Learned counsel for the petitioner states that Ravinder Kumar @ Kala and Surender Rathi have been granted concession of regular bail by this Court in CRM-M No.1182 of 2020 and CRM-M No.7321 of 2020 on 31.01.2020 and 25.02.2020 respectively.

Looking to the controversy in terms of statements of transporters and the identity of the currency which was allegedly

recovered, it would be debatable as to the complicity of the petitioner. It appears that the statements of transporters in the context of identity of the amount was not brought to the notice of the Court in Suresh Singh's case supra.

Since this Court has granted concession of regular bail to the accused namely Ravinder Kumar @ Kala and Surender Rathi, therefore, at this stage, without meaning anything on merits of the case, the 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/Duty Magistrate.

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

06.03.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No