

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16771-2021

Date of decision : 28.04.2021

Abhay Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shashikant Gupta, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by Amarjeet Singh DSP(HQ)

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.34 dated 15.02.2021 at Police Station Sadar, Narnaul under Sections 120-B of the IPC and Section 13(1)/7A of Prevention of Corruption Act, 1988, wherein it is alleged by the complainant that he is having 19 trucks and supplies brick bats etc. through his trucks. On 05.02.2021, at about 09.00 p.m., one of his trucks was intercepted by some persons, who represented that they are from mining department. Upon weighment of the truck, the same was found to be overweight to the tune of 2 M.T. 3 Qtl. than the permissible weight. The driver of the truck made the complainant talk to the persons, who were representing themselves to the mining officials. The complainant contacted one Abhey working in the office of RTA, Narnaul who was known to the complainant and requested him to get his vehicle released. Abhay sent a mobile number through whatsapp to the complainant asking the complainant to contact the said person. When the

complainant contacted the said person on his mobile phone, the said person disclosed himself to be Mukesh Saini. Later, the complainant received a telephonic call from the driver that truck in question has been released. Consequently, when the complainant made a call to Mukesh Saini thanking him for getting the truck released and asked him about the fee for getting the same released, Mukesh Saini stated that the complainant was required to give "1.5 kg.". The complainant requested that some reasonable amount be settled, but Mukesh Saini disconnected the phone. There were several other conversations between Mukesh and the complainant but Mukesh stuck to his demand of 1.5 kg (which according to the counsel for the petitioner, is the code word for Rs. 1.5 lakhs) On Sunday, i.e. 07.02.2021, the complainant received a telephonic call from Mahesh, proprietor, who stated that Mukesh and Abhay were coming to the crusher for collecting money. The complainant was however not present at the crusher. However, CCTV footage shows the arrival of Mukesh and Abhay at the crusher. Subsequently, there was no conversation over the telephone between the complainant and Mukesh. The complainant offered to pay an amount of Rs.50,000/- and to pay the balance amount in 1/2 days. Upon which, Mukesh asked him to pay the said amount to Abhay. The complainant asked Abhay as to whether he should pay the amount to Bhoop to which Abhay agreed. However, the complainant did not wish to pay the amount and, accordingly, made a complaint to the Vigilance Bureau.

2. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that as per the FIR, it is Mukesh Saini, who had been demanding the amount from the complainant and had been speaking to him over telephone on various

occasions. It has been submitted that the petitioner, in any case, is not even working in Mining Department and has no role to play in confiscation or release of the truck in question.

3. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there were specific allegations against him, no case for grant of bail is made out. The learned State counsel has however informed that petitioner has been behind bars since the last more than two months and that challan already stands presented. It has also been informed that petitioner is not involved in any other case.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the facts and circumstances of the case, especially that it is Mukesh Saini who had been regularly in touch with the complainant and had been raising demand of money for getting the truck in question released and while also noticing that challan already stands presented and the petitioner is not involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

28.04.2021

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No