

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

CRM-M-19965-2021 (O&M)

Date of decision: 28.05.2021

Raj Kumar @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. A.S. Bhatti, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Raj Kumar @ Raju, an accused in FIR No.05 dated 30.04.2021, for offences under Sections 7 and 7-A of Prevention of Corruption Act, 1988 and Section 120-B IPC registered with Police Station Vigilance Bureau, Amritsar.

In nutshell, the prosecution story is that, Inspector Vikrant Salaria, Vigilance Bureau, Gurdaspur had received information from reliable sources that Rana Gurwinder Singh Uppal, Inspector, Punjab Roadways, Batala posted in Central Flying Squad was doing the duty of checking the buses of Punjab Roadways plying on various routes in Jalandhar, Amritsar, Pathankot, Ferozepur, Gurdaspur, Tarn Taran etc.;

his duty is included supervision of counters of buses of Punjab Roadways at various bus stands besides checking the time table of buses so that private bus operators may not give allurements of illegal gratification to the drivers or conductors of Punjab Roadways to get more time for private buses at bus stands to pick up more passengers in their buses; as per information received by Inspector Vikrant Salaria, Satnam Singh, Iqbal Singh, Inspector and Tarsem Singh, Inspector being members of the flying squad headed by Inspector Rana Gurwinder Singh Uppal had been indulging in corrupt practices so as to cause loss to Punjab Roadways; the modus operandi adopted by them was to obtain illegal gratification from conductors, drivers and in-charges of bus stands in connivance with operators of private buses so as to grant more time to private bus operators, causing loss to Punjab Roadways; it was learnt that a share of the bribe money collected was sent to senior officers also with the result, no action was being taken by such senior officers against such officials indulging in corrupt practices; Inspector Vikrant Salaria had submitted a complaint to SHO Police Station Vigilance Bureau, Amritsar on the basis of which, formal FIR was registered; for the purpose of collecting evidence, mobile phones of Inspector Rana Gurwinder Singh Uppal and Arvind Sharma, General Manager, Punjab Roadways Depot, Batala were put under surveillance and their calls were recorded; on hearing the same, it came out that the members of flying squad were obtaining thousand

of rupees as bribe in the manner indicated above and Arvind Sharma, General Manager, Punjab Roadways Depot, Batala besides Parneet Singh, DDST were getting share in that money; earlier a sum of Rs.10,000/- per month was given to Parneet Singh, DDST which was later on increased to Rs.15,000/- per month; Arvind Sharma had obtained Rs.5,000/- as illegal gratification for granting leave of 20 days to a driver, namely Sucha Singh; it further came out that Sukhchain Singh, Jasvir Singh, Raj Kumar @ Raju (present petitioner) Retired Inspector, Punjab Roadways earlier used to help in collecting bribe money and send the same to Inspector Rana Gurwinder Singh Uppal and his accomplices.

After being named in the FIR, apprehending his arrest in this case, petitioner Raj Kumar @ Raju had approached the Court of Special Judge, Gurdaspur, by moving an application for grant of pre-arrest bail, which was dismissed, vide order dated 13.05.2021. As such, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are quite grave and serious that he used to collect bribe money on behalf of members of flying squad and then send the same to them. His custodial interrogation is found to be necessary for complete and effective

investigation. Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest and interrogation by the investigating agency. In case, custodial interrogation of the petitioner is denied to the investigating agency that shall leave many loopholes, lacuna and gaps in the investigation, adversely affecting the case of prosecution, which is uncalled for.

Thus, no case for grant of pre-arrest bail to the petitioner is made out. The petition so moved stands dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.05.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No