

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

CRM-M-34444 of 2021

DECIDED ON: 24th August, 2021

Sachinder Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Chanchal K. Singla, Advocate for petitioner.

Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking anticipatory bail in case of FIR No.554 dated 25.9.2020 under Sections, 420, 467, 468, 471 and 120-B IPC and Section 13(1)(D) and Section 8 of the Prevention of Corruption Act, 1988, registered at Police Station Camp Palwal District Palwal (Haryana) in which offence under Section 66-C and 66-D of the IT Act was added later on.

FIR was registered on written complaint received on 25.9.2020. On a secret information it transpired that in the office of Regional Transport Authority (RTA) Palwal, commercial driving licences issued from other Districts which have to be renewed after five years, were renewed in fraudulent manner in connivance of employees of RTA, agents. Acting upon the complaint, attested photocopies of original driving licence from the

renewal files of RTA Palwal were got verified from RTA Gurgaon, on verification it revealed that licence was not renewed by RTA Gurgaon. As the probe got deeper, the scope was broadened. Statements of co-accused were recorded which revealed names of other co-accused including petitioner and their roles. The petitioner was working as Computer Operator on contract basis in RTA Palwal. As per the allegations, he was one who feeded the entries in the system.

Learned counsel for the petitioner contends that the petitioner was transferred on 24.12.2019 whereas the scam is stated to be of period 1.9.2020 to 25.9.2020. The contention is that the petitioner was not named in the FIR but was nominated on disclosure of co-accused Rafiq which has no evidentiary value.

Learned State counsel vehemently opposes the prayer made. She submits that the petitioner in connivance with co-accused cracked the password of Vahan Portal and uploaded the renewal of more than 400 fake commercial driving licences.

The contention raised by learned counsel for the petitioner that he is not posted during the relevant time at RTA Palwal is in direct contradiction with the stand taken before the learned Additional District Judge, Palwal, while arguing the anticipatory bail.

Para-3 of the order is quoted below:

"3. Learned counsel for the applicant has argued that the applicant uploaded the driving licenses on the instructions of his senior officials and he did not know whether or not there were physical files of those driving licenses. He has further argued that the applicant is not named in the FIR and he has been falsely implicated in this case. He has further argued that there is no

evidence against the applicant except disclosure statement of co-accused Rafiq which is not admissible in evidence. He has further argued that the applicant has been serving on contract basis and he made entry in the computer after approval of the documents on the ID of Sh. Naresh, Head Clerk and Sohan Lal, RTA. He has further argued that the applicant is ready to join the investigation and his custodial interrogation is not required."

The argument put forth was that the petitioner uploaded the licences on the instructions of senior officials without verifying as to whether there was physical files or not. Restraint is exercised to make any further comment as it would affect the investigation and the trial.

In case, like one in hand, it is not possible that each and every accused is named in the FIR. It is only during the inquiry or the investigation as layer by layer the case is unfolded, certain new names and their roles see the day light. The evidentiary value of the statement of co-accused will take shape on completion of investigation and would be subject matter of trial. The *modus-operandi* adopted by accused call for deeper probe.

Considering the facts and circumstance of the case in totality, no case is made out for grant of anticipatory bail.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

24th August, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>