

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

CRM-M-5552 of 2022 (O&M)

DECIDED ON: 21st July, 2022

Ram Niwas @ Ramu

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rakesh Dhiman, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Bail is sought by petitioner in case of FIR No.14 dated 21.1.2021, under Sections 420, 467, 468, 471, 409, 120-B IPC and Sections 7, 8, 9 and 13 of the Prevention of Corruption Act, 1988, registered at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar, on the basis of parity with co-accused -Rajender Singh, Sanjeev Kumar and Amit Kumar, who were granted bail by this Court on 11th February, 2022, by passing the following orders:

"[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] These three petitions under Section 439 Cr.P.C. were filed seeking regular bail in FIR No. 14, dated 21st January, 2021, under Sections 420, 408, 409, 467, 468, 471 and 120-B IPC (Section 408 IPC was deleted) and Sections 7, 8, 9 and 13 of the Prevention of Corruption Act, 1988, registered at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar.

[3] Brief facts of the case are that Sub Divisional Magistrate, Jagadhri received communication from CIA, Sirsa wherein certain files were asked for. On enquiry, files could not be traced. It revealed that motor vehicles were registered by not complying with the procedure, to evade the road tax. The role attributed to Sanjeev Kumar [petitioner in CRM-M-52939-2021] and Rajender Singh [petitioner in CRM-M-22855-2021] are that they were Motor Registration Clerk in Regional Transport Office, Jagadhri. They in connivance with Amit Kumar, Data Entry Operator [petitioner in CRM-M-3169-2022] had registered the vehicles

purchased in auction without getting the required documents and forging the documents for evasion of road tax.

[4] Learned counsel for the petitioners submit that Rajender Singh and Amit Kumar are in custody since February, 2021 and Sanjeev Kumar is in custody since July, 2021. It is contended that investigation is complete and no recovery is to be made. It is argued that Sanjeev Kumar and Rajender Singh were whistle blowers on their complaint, the SDM got registered the FIR. Submission is that case is based primarily on documentary evidence.

[5] Learned State counsel opposes the prayer for grant of regular bail and submits that they have misused the digital signatures and caused loss to the public exchequer. They are involved in another FIR with similar allegations. She, on instructions, submits that challan stands presented but charges are yet to be framed. There are thirty eight prosecution witnesses.

[6] Considering that case is prima facie based on documentary evidence, investigation is complete and the fact that conclusion of trial is likely to take time, the petitioners are granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petitions are allowed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case. "

Learned counsel for the petitioner submits that the petitioner was the dealer dealing in second hand vehicle.

Learned State counsel opposes the prayer for bail but on instruction is not able to distinguish parity of petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be

Since the main case has been decided, the pending application, if any is rendered infructuous.

21st July, 2022
reema

(AVNEESH JHINGAN)
JUDGE

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