

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-473-MA of 2015 (O&M)

DECIDED ON:25th July, 2022

State of Haryana

.....APPLICANT-APPELLANT

VERSUS

Jagdeep Singh

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gurmeet Singh, AAG Haryana.

Mr. P.S. Ahluwalia, Advocate for respondent.

AVNEESH JHINGAN, J (ORAL)

This is an application seeking leave to appeal against the judgment of acquittal dated 29.10.2014.

The case set up is that a complaint was made by Jeet Singh, commission agent. He supplied 15,407 wheat bags to Haryana Agro Industries through Billing-cum-Payment Agent (BCPA) Ram Mehar. Illegal gratification of Rs.47,770/- was demanded by Jagdeep (Mandi Inspector)-respondent, for release of balance payment. On complaint, a trap was laid, money was handed over to respondent, he instructed that money be handed over to Manjeet saying that the money was for shortage of wheat.

The prosecution examined seventeen witnesses. However, Manjeet Singh-PW3, Ram Mehar-PW4 did not support the case of the prosecution that the amount was demanded for illegal gratification. Rather they deposed that it was money for shortage of wheat which was due from M/s Saurabh Trading Company and M/s Rammeshwar Dass Rajinder Parshad Company. Inspector Sunil Kumar-PW11 deposed that the notes were lying on

the table and shadow witness told him that the respondent raised demand from

complaint for shortage of wheat. Then he left the office without taking money and directed Security guard to receive the amount and directed Ram Mehar to prepare the cheque. The shadow witness to the trap was not examined. Deepak, District Manager- PW6 verified the fact that as per record Rs.47,770/- was due against M/s Saurabh Trading Company and M/s Rammeshwar Dass Rajinder Parshad Company for shortage of wheat. On failure of the prosecution to prove its case, the respondent was acquitted.

Learned State counsel submits that the trial Court erred in acquitting the respondent. In the hand wash test, the solution turned pink meaning thereby that the respondent accepted the amount.

Mr. P.S.Ahluwalia, Advocate appears for respondent and defends the impugned order.

The trial Court considering the evidence threadbare found:

(i) That the prosecution failed to prove demand and acceptance of illegal gratification. The respondent did not accept the money rather he asked Manjeet Security Guard to accept the money which was for shortage of wheat.

(ii) By the time the raiding party came to the spot, the respondent was not present.

(iii) That Manjeet Security Guard did not support the case of the prosecution, he stated that the respondent had not demanded the illegal gratification.

(iv) That the document on record showed that the amount of Rs.47,770/- was due from M/s Saurabh Trading Company and M/s Rammeshwar Dass Rajinder Parshad Company and the letter for recovery of the shortage was written prior to laying of trap.

(v) That PW3-Manjeet along with Ram Mehar were present at the spot but the witnesses did not support the case of prosecution of demanding of bribe.

The respondent was acquitted by the trial Court by considering the above mentioned issues.

No case is made out for grant of leave, as no legal or factual error, much less perversity has been pointed out in the impugned judgment. The conclusion arrived at by the trial court is plausible reason.

The petition is dismissed.

Since the main case has been dismissed, the pending application if any is disposed of.

25th July, 2022

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(AVNEESH JHINGAN)
JUDGE

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