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

101 **CRM-M-27212-2022**

Date of Decision:03.08.2022

Ram Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

**Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioners.**

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

**Mr. Anupam Singla, Advocate,
for Pepsu Road Transport Corporation, Patiala.**

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<u>VINOD S. BHARDWAJ , J.(Oral)</u>

The petitioners have approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.95 dated 03.06.2022 under Sections 420 and 409 of the Indian Penal Code, 1860, registered at Police Station Kotwali Bathinda, District Bathinda.

The brief facts of the case are that present FIR has been registered on the basis of complaint moved by Managing Director, PEPSU Road Corporation, Patiala, in which it is mentioned that petitioners Ram Singh and Sukhpal Singh are deputed as advance bookers on contractual basis and aforesaid persons have misused the booking machines and committed tampering in the record of the machines and further committed embezzlement of the amount. It is mentioned in the complaint that in the Head Office, PRTC, Patiala, the officials of computer branch have been deputed for supervising the working of ETM Machines. But on 12.05.2022, on the basis of report of computer supervisor, a Team was constituted and they submitted their inquiry report, in which it was disclosed that aforesaid persons had committed embezzlement of the booking amount. On the basis of aforesaid complaint, the present FIR has been registered against the petitioners. Apprehending their arrest, the petitioners have filed the present bail application.

Learned counsel appearing on behalf of the petitioners has contended that the petitioners are being made scapegoat in the entire case and that they have have no participation in the commission of the offence in the manner as suggested. The petitioners have been issued Electronic Ticketing Machine by the PRTC and that the e-way bill issued to each booking agent operating an ETM machine is valid only for 72 hours with a capacity of issuing 1400 tickets. He contends that there can be no partial deletion of data from the said machine and that a removal of such data has to be done from the server of the main computer being operated by the Department officials themselves. He further contends that the petitioners are being fastened with the illegal acts committed by the officials of the respondent-Department even though the entire cash as per the docket number/ticket number reflected in the ETM machines stood deposited by the petitioners with the respondent-Department. A further argument is raised by learned counsel for the petitioners that the proportions of the embezzlement as alleged is even otherwise not possible since the reconciliation of accounts amongst various Depots has to be done on monthly basis and that any discrepancy in the numbers reflected in the ETM machines as well as the docket prepared manually would be brought to the notice of the concerned authorities at the stage of reconciliation of the accounts. He also contends that so far as the liability qua the tickets issued from the alleged damaged machines are concerned, such damaged and condemned machines had never been issued to the petitioners and as such they cannot be held responsible with respect to any embezzlement committed against the tickets allegedly issued by use of the aforesaid machines.

Pursuant to the orders passed by this Court, a status report had been filed by way of affidavit of Vishavjeet Singh Mann, PPS, Deputy Superintendent of Police, City-1, Bathinda on behalf of the respondent-State. The relevant extract thereof reads thus:-

> *"3. That it has been found during investigation that as per the contract agreement signed between PRTC and advance booking agents, they were supplied ETMs for collecting the fare from passengers while the buses are availing counter time at the bus stands and after issuing the tickets to the passengers the dockets showing details of sale of tickets is handed over to the conductor of the respective bus. After finishing the duty the Advance booking agents are supposed to report to computer/booking branch of the depot for downloading the data of the sale of the tickets to the depot server and accordingly deposit the cash so collected in the cash branch of the depot. However, the petitioners in connivance with their associates/accomplices deleted the data of waybills and did not deposit the cash in cash branch of the depot and instead embezzled the amount since the data was deleted. In order to determine the actual amount of embezzlement the ticket issue detailed docket issued to the conductors of the respective buses*

was checked manually by enquiry team of PRTC to ascertain the actual amount of the fraud.

4. That the brief facts of the case are that accused petitioners were deputed for Advance Ticket Booking under the scheme of "Advance Booking" as advance booking agent for PRTC Buses at Bathinda Bus stand on commission basis. Since 2006 the contract agreements were being renewed between accused-petitioners and the PEPSU Road Transport Corporation Patiala, from time to time on yearly basis. The present agreement with the accused petitioners/advance booking agents was valid up to 25.06.2022. It is pertinent to state that as per the agreement the accused-petitioners were given specific number and Electronic Ticketing Machines (ETMs) were issued from time to time, the detail of the same is as follows:-

Sr. No.	***Name & Number of Advance Booker***	***ETM No.***	***Date of issuance of Machine***
1.	Ram Singh ABB-27	48162200	18.09.2021
2	Sukhpal Singh ABB-29	48162211	23.07.2020

5. *That on 12.05.2022, Manjeet Kaur, the computer supervisor of computer branch of PEPSU Transport Patiala, brought into the notice of her higher authority that she had obtained data of ETM software on 27.04.2022 of Bathinda Bus Depot and found that data of opening and closing balance of tickets in some of the waybills of Electronic Ticket Machine (ETM) No.48162200, 48162211 were mismatched and after going through deeply, Manjeet Kaur revealed that accused-petitioners had deleted the waybill ticket series of Electronic Ticket Machine (ETM).*
6. *That thereafter Managing Director, PEPSU Road Transport Corporation constituted teams to scrutinize the tempering of the Electronic Ticket Machines (ETMs) and misappropriation of the amount of PRTC caused by*

the accused-petitioners.

7. *That the enquiry team constituted by PRTC further obtained the ETM Software data for the period of 01.01.2022 to 20.05.2022 of ETM No.48162200 issued to accused-petitioner Ram Singh ABB-27 and 48162211 issued to accused petitioner Sukhpal Singh ABB-29 and it has surfaced that the accused-petitioner Ram Singh had deleted the data of 13521 tickets and similarly accused-petitioner Sukhpal Singh had deleted the data of 11289 tickets from the above mentioned ETMs during the period 01.01.2022 to 20.05.2022 by tempering their ETMs and misappropriated, embezzled the PRTC money. The list of the tickets deleted for the period of 01.01.2022 to 20.05.2022 is as follows:-*

Sr. No	*ETM No*	*Advance Booker No.*	*Previous Waybill No*	*Next Waybill No.*	*Number of tickets between Closing Ticket No. of (C) and Opening Ticket No. of (D)*	*Waybillissued between (C) &(D)*	*Date of issue of (F) waybill*
	(A)	**(B)**	**(C)**	**(D)**	**(E)**	**(F)**	(G)
1	48162200	ABB27	252611	252800	291	252698	09/07/2021
2	48162200	ABB27	278090	278333	490	278192	20/01/2022
3	48162200	ABB27	278786	279009	331	278912	25/01/2022
4	48162200	ABB27	279380	279568	607	279486	29/01/2022
5	48162200	ABB27	279568	279852	320	279763	31/01/2022
6	48162200	ABB27	281050	281271	537	281157	10/02/2022
7	48162200	ABB27	283235	283438	363	283339	25/02/2022
8	48162200	ABB27	283868	284388	1295	280477, 284192	02/03/2022 02/03/2022
9	48162200	ABB27	284829	285125	668	285025	08/03/2022
10	48162200	ABB27	285369	285622	939	285451	11/03/2022
11	48162200	ABB27	285622	285842	482	285702	12/03/2022
12	48162200	ABB27	286097	286318	482	286201	16/03/2022
13	48162200	ABB27	286849	287080	916	286965	21/03/2022
14	48162200	ABB27	287183	287531	908	287328	23/03/2022
15	48162200	ABB27	287531	287679	684	287600	25/03/2022
16	48162200	ABB27	287679	287827	517	287744	26/03/2022
17	48162200	ABB27	288014	288278	786	288143	29/03/2022
18	48162200	ABB27	289414	289692	647	289616	07/04/2022
19	48162200	ABB27	290614	290853	741	290753	14/04/2022
20	48162200	ABB27	291342	291649	694	291544	19/04/2022
21	48162200	ABB27	291649	291983	823	291835	21/04/2022
22	48162211	ABB29	240687	241160	496	240970	09/04/2021
23	48162211	ABB29	278236	278457	184	278362	21/01/2022

24	48162211	ABB29	279112	279428	624	279239	27/01/2022
25	48162211	ABB29	279428	279708	281	279526	29/01/2022
26	48162211	ABB29	280792	281126	739	280900	08/02/2022
27	48162211	ABB29	281442	281800	1147	281542, 281680	13/02/2022 14/02/2022
28	48162211	ABB29	282742	282982	559	282906	22/02/2022
29	48162211	ABB29	284439	284658	684	284532	05/03/2022
30	48162211	ABB29	284754	285124	145	284869	07/03/2022
31	48162211	ABB29	285124	285280	357	285186	09/03/2022
32	48162211	ABB29	285542	285759	857	285659	12/03/2022
33	48162211	ABB29	285806	286174	840	285878	14/03/2022
34	48162211	ABB29	286302	286630	1334	286389, 286479	17/03/2022 17/03/2022
35	48162211	ABB29	286695	286936	932	286795	20/03/2022
36	48162211	ABB29	287023	287234	548	287149	22/03/2022
37	48162211	ABB29	287446	287678	485	287547	25/03/2022
38	48162211	ABB29	288479	288743	350	288658	01/04/2022
39	48162211	ABB29	289634	290036	727	289822	08/04/2022
40	49149953	ABB40	290181	290352	613	290267	11/04/2022
41	48162207	ABB40	284303	285624	462	284584	05/03/2022
42	49148898	ABB40	285812	286175	770	286071	15/03/2022

It is significant to state that while investigating, the teams so constituted also found that two ETM numbers 481622146 and 4918928 have also been misused for issuing the tickets during this period and the collected amount has been misappropriated. However, as per PRTC Bathinda Depot Record the above said two ETMs were damaged beyond repair and were kept in dead stock of machines in the depot vide inquiry report dated 31.05.2022. It is further stated that the role of accused petitioners regarding use of these broken down ETMs also needs to be investigated.

8. That it is pertinent to state that the complainant PRTC has provided the advance copy of inquiry report through office letter No.3741/PRTC/Info dated 04.07.2022 to the investigating officer regarding the embezzlement. According to this report, it has been found that the accused petitioners Ram Singh ABB-27 has misappropriated amount approximately Rs.935546/- and accused-petitioner Sukhpal Singh ABB-29 has

> *misappropriated Rs.911615/- against deleted tickets during the period of 01.03.2022 to 15.05.2022. The investigation is under progress to ascertain the actual loss caused to the PRTC by the accused-petitioners and their accomplices since 2006. In this report, some other names have also been mentioned and suspicion has been raised about these persons also and their involvement/connivance with accused-petitioners that needs to be investigated deeply and thoroughly to unmask the mastermind in this big scam and embezzlement of state exchequer worth more than Rs. Fifty Lakhs as of now."*

Apart therefrom, short reply by way of an affidavit of Punamdeep Kaur, Managing Director, PRTC, Head Office, Nabha Road, Patiala on behalf of the complainant had also been filed. The relevant extract thereof reads thus:-

> *"6. That the committee is in the process of tallying the entire data retrieved from the ETMs issued to the petitioners and has now checked the data from 01.12.2021 to 15.5.2022 of Bathinda depot and has also checked the dockets issued at the time of journey of bus from time to time by the petitioners to the conductors of other depots of PRTC i.e. from 1.12.2020 to 15.05.2022 of Patiala depot, from 01.12.2020 to 15.05.2022 of Chandigarh depot, from 1.12.2020 to 15.05.2022 of Budhlada depot, from 1.12.2020 to 15.05.2022 of Sangrur depot, from 1.12.2020 to 15.05.2022 of Ludhiana depot.*
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> *7. That on compilation of the record so checked between 1.12.2021 to 15.05.2022, it has been found that, the petitioner no.1 has embezzled the amount of Rs.10,89,933/- and the petitioner no.2 has embezzled the amount of Rs.11,06,411/- taking total the petitioners had*

embezzled an amount of Rs.21,96,344/- by deleting the data of the aforesaid machines. Upon further manual checking of record of tickets issued by them for which the petitioners have not deposited the cash is still under progress and there is every likelihood that the amount may increase.

8. That it is also pertinent to mention here that as per the procedure adopted in the complainant Corporation, the damaged ETMs are kept in the dead stock of machines in depot. The petitioners in connivance with Harjit Singh, Sub Inspector and Rajinder Singh, Conductor had got two damaged ETMs bearing No.48162146 and 49148928 released from the booking branch and after getting it repaired at their own had sold the tickets from the said machines as well. The committee during investigation has found that the petitioners have also sold tickets worth Rs.1,20,83,695/- from the aforesaid two damaged machines and have not deposited any amount against the aforesaid machines and have embezzled the entire amount. It is further submitted that the above mentioned Sub Inspector and Conductor have been placed under suspension from their services and departmental proceedings have been initiated against them. Further it is submitted that vide letter no.3741 dated 4.7.2022 and vide letter no.4085 dated 14.7.2022 the police authorities have also been requested to register a police case against them and other employees working in the booking branch of PRTC Bathinda depot.

9. That from the submissions made above it is amply clear that during the period 1.12.2021 to 15.05.2022 the petitioners by deleting the data of ETMs and by issuing tickets from damaged machines after getting then repaired had embezzled an amount of Rs.14280039/-, *whereas, the investigation regarding the remaining period is still going on. The details of the embezzled amount are given hereunder in a tablet form for the kind perusal of this Hon'ble Court:-*

S.No.	ETM No.	Advance booker name & no.	Total amount tickets issued by using the ETM & corresponding amount not deposited in cash branch. (In Rs.)
1.	48162200	Mr. Ram Singh & ABB-27	1089933
2	48162211	Mr. Sukhpal Singh & ABB-29	1106411
3. 4.	48162146 49148928	These two ETMs jointly used by both the petitioners no.ABB-27 & ABB-29	5124389 6959306
		Total amount	14280039

Sh. Amanvir Singh Tiwana, Traffic Manager, official of the PRTC had also come present and had explained the *modus operandi* adopted by the petitioners which is thus:-

> " It has been explained by him that the petitioners were doing bookings from the ETM machines and that the amount as reflected qua the tickets sold has to be deposited by the booking agent to whom a specific code is allocated) with the officials of the Department. The relevant persons in the office were in connivance with the present petitioners and that they deleted the ticket numbers from the server in connivance with the petitioners. The aforesaid connivance could be ascertained from the fact that even though upon manual instruction of the docket, a different amount was to be deposited, however, a receipt qua the amount deposited, is issued by the Department to the booking agent itself and that there was no occasion for the booking agent to have accepted a receipt for an amount lesser than the amount actually deposited by him. He further points out that since the officials of the PRTC were also acting in collusion with the aforesaid ticketing agents, hence, the data

> could not be reconciled immediately considering the volumes of the paper work deposited on day-to-day basis. He further points out that there was no occasion for issuing the condemned/damaged machines and that they had been handed over to the petitioners by the aforesaid conniving officials themselves. Invariably, the amount retained qua the tickets issued from such condemned machines has never been reflected in the system of the Department. He has also explained in detail that the petitioners could be linked to the tickets issued against those damaged machines since the Conductor to whom the manual docket is handed over by the ticketing agent records the details of the ticketing agent who had issued the tickets and docket to him. The said docket details were not reflected in the digital footprint of the machines that has been issued in accordance with law. Resultantly, the petitioners cannot deny that they were actually using the damaged machines that were already condemned and consigned to the stores."

Considering the circumstances noticed above and the manner of execution of the fraud against public exchequer and public fund, custodial interrogation of the petitioners is deemed necessary.

No ground for grant of anticipatory bail to the petitioners is made out. The present petition is accordingly dismissed.

August 03, 2022 **(VINOD S. BHARDWAJ)**
seema **JUDGE**

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