

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

204

CRM-M-31186 of 2022 (O&M)

DECIDED ON: 15th September, 2022

Ravinder Hooda @ Ravinder

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ramnish Puri, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking anticipatory bail in case of FIR No.10 dated 17.6.2022, under Sections 7 and 13 of Prevention of Corruption Act, 1988 and Section 120-B of Indian Penal Code, 1860, registered at Police Station SVB Rohtak, District Rohtak.

The brief facts are that Davinder @ Kalu, a Commission Agent at Anaj Mandi, Meham, gave a complaint. He stated that he had purchased 6500 quintals wheat from the Farmers and kept in the godowns approved from the Haryana Government. He is entitled to Rs.46/- per quintal as commission, apart from the payment of labour work. Ravinder Hooda-petitioner, the auction recorder of Market Committee, Meham demanded bribe of Rs.9000/- through mobile number (mentioned in the complaint). The petitioner told that out of amount collected, 50 paisa per bag was to be paid to the officials of the Market Committee, Meham and 20 paisa per bag to the Food and Supply Department. The conversation was recorded. On the basis of complaint, a trap was laid. Sunder working as Peon with the petitioner (on contract basis) reached the spot on asking of petitioner and accepted the laced currency. He made the complainant to talk with the petitioner through mobile, the conversation was recorded and transcript prepared.

During investigation, Sunder disclosed that he reached the spot on the asking of petitioner. He would have received Rs.500/- out of Rs.9000/- bribe and rest amount was to reach the petitioner. Statements of Sikander, Ajit, Rajender, Mahabir Singh and Mohit were recorded, supporting the version of complainant. During investigation, the call details between the complainant, petitioner and co-accused were collected.

Learned counsel for the petitioner submits that the petitioner is an Auction Recorder and has no role in the financial dealings of the Market Committee or Food and Supply Department. The contention is that the complainant is Sub-licencee and he got the licence in violation of statutory provisions of the Haryana Agricultural Produce Markets Act, 1961. He relied upon the fact that co-accused-Sunder was granted regular bail.

Learned State counsel opposes the prayer. He submits that from the material collected it is evident that a well organized racket was operating and bribe on the basis of per bag was being demanded and collected. She further submits that on complaint, a trap was laid in which Peon-Sunder working with the petitioner was apprehended. After accepting the money, Sunder made complainant to talk with the petitioner.

The allegations in the present case are serious, these relates to procurement of food grains. The bribe was demanded by the petitioner who is an auction recorder in the Mandi and is in direct contact with the Commission Agents and the Farmers. The allegations are supported by an audio recording and also by the statements recorded during the investigation. However, it would not be appropriate at this stage to comment upon the evidentiary value of the statements recorded.

From the pleadings, it is forth coming that illegal gratification was being demanded and collected in connivance with the officials of the Market Committee and the Food and Supply Department. Deeper probe is required to unearth the *modus-operandi* and to find out the specific role being played by each of the accused. In cases having allegations such as in the present case, a well planned web is knitted and each of the accused has a specific role. The petitioner would be in a position to hamper the investigation and influence the witnesses and other co-accused given concession of anticipatory bail.

The reliance on the fact that co-accused was granted regular bail does not enhance the case of the petitioner. The anticipatory bail and regular bail would be at different pedestal especially when the investigation is at initial stage. Moreover, co-accused was Peon (on contract basis) with petitioner and on his asking had gone to collect the money.

No case is made out for grant of anticipatory bail.

Dismissed.

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

15th September, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>