

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

CRM-M-43581 of 2022

Date of Decision: 21st September, 2022

Manohar Lal Gupta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Bhurat Puri, Advocate for the petitioner.
Mr. APS Tung, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

This petition is filed seeking anticipatory bail in FIR No. 14 dated 23.8.2022, under Sections 7, 7A of the Prevention of Corruption Act, 1988 as amended by P. C. Amendment Act, 2018 and Sections 420, 120-B IPC, registered at Police Station Vigilance Bureau Range Jalandhar.

As per the case set up, a secret information was received that Motor Vehicles Inspector -Naresh Kler (hereinafter referred to as 'the Inspector') had kept private persons and agents for collecting money for him, for passing/issuing fitness certificates to the commercial vehicles. Acting upon the information, raid was conducted. Though Inspector was not present, documents were lying in his office. The files were being scrutinised by Ram Pal @ Radhe and Mohan Lal @ Kalu. Ram Pal was working as a domestic help at the house of the Inspector. For quite a long time, Ram Pal was maintaining an account of illegal gratification being collected. One diary was recovered in which the account was maintained.

As per diary, he had collected Rs.12,50,000/- for the Inspector. The amount concealed in an almirah in his residential house was recovered at his instance. In a disclosure statement, he named other agents working for the Inspector, the petitioner is one of them.

Learned counsel for the petitioner submits that the petitioner is a typist in Tehsil, no specific role is attributed to him in the FIR, he was named in a disclosure statement and the Vigilance Bureau has not declared the list of vehicles which have been passed without physical verification.

Learned counsel for the State appearing on advance notice opposes the prayer. He submits that the investigation is at the initial stage, the petitioner has been specifically named by the co-accused. The petitioner was acting as a mediator between the owners and Inspector for passing the commercial vehicles without physical verification.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case and these are only for the purpose of deciding the anticipatory bail.

A raid was conducted on the basis of secret information. It was found that instead of RTA officials scrutinizing the documents for giving fitness certificates, the private individuals deployed by the Inspector were scrutinizing the documents. From co-accused Ram Pal, a diary was recovered in which account of illegal gratification was maintained. In consonance with the account, the money was recovered at the instance of the co-accused. The co-accused named the petitioner as one of the agent working for the Inspector for collection of illegal gratification.

In cases having allegations as in the present case, it is neither

practical nor possible that the entire *modus operandi* and name of all the accused would be revealed in the FIR. The links have to be connected during investigation. A well planned method was adopted in which specific role was played by each of the accused. A deeper probe would be required considering the seriousness of the allegations that Inspector had deployed parallel employees to assist him to deal with the cases of issuing fitness certificates to the commercial vehicles and for collection of money. One end left loose at this stage would affect proper investigation and will provide a chance of tampering with the evidence. The evidentiary value and veracity of the disclosure statement of the co-accused would be subject matter of trial.

No case is made out for grant of anticipatory bail.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

21st September, 2022
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No