

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

CRM-M-236 of 2023

Date of decision: 23rd January, 2023

Jagsir Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aakash Singla, Advocate for the petitioner.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a second petition seeking regular bail in FIR No. 19 dated 18.8.2022 under Sections 7, 7-A of the Prevention of Corruption Act, 1988 and Sections 420, 120-B IPC and Sections 465, 467, 468 and 471 IPC (added later on), registered at Police Station Vigilance Bureau Patiala.

The earlier petition was withdrawn on 5.12.2022.

Learned counsel for the petitioner claims parity with co-accused Gurcharan Jaidka and Dharminderpal @ Bunty who were granted bail by this court in CRM-M-45041 of 2022 & connected case on 17.1.2023. He further submits that the petitioner was Data Entry Operator, he is in custody since 8.8.2022.

On 17.1.2023, this Court passed the following order:

“1. This order shall dispose off the above mentioned two petitions filed on behalf of Gurcharan Jaidka and Dharminderpal @ Bunty seeking grant of regular bail in a case registered against them vide FIR No. 19 dated 18.8.2022 under Sections 7, 7-A of the Prevention of Corruption Act,

1988 (as amended in the year 2018) and Sections 420, 465, 467, 468, 471/120-B IPC at Police Station Vigilance Bureau, Patiala, District Patiala.

2. The FIR was lodged pursuant to receipt of secret information by DSP Parminder Singh, Vigilance Bureau Unit, Sangrur on 18.8.2022 to the effect that Ravinder Singh Gill, Regional Transport Authority (RTA), Sangrur and Mohinder Pal, Motor Vehicle Inspector (MVI) had been 'passing' vehicles without physical inspection of such vehicles, though as per rules a vehicle could be passed only after physical verification. The information was further to the effect that the said officials had fixed bribe of Rs. 2,800/- for passing a commercial vehicle less than eight years old, for two years and Rs.1,800/- for passing a vehicle more than eight years old, for one year and Rs. 1,000/- for a small commercial vehicle. It is alleged that about 2400-2500 vehicles were being passed in one month and as such, they were collecting a bribe amount of Rs. 35-40 lacs per month through various agents namely Dharminderpal, Deshmukh Goyal, Pawan Kumar, Jagjit Singh, Arhoit Garg, Neetu Walia, Nimma, Ajaypal Goyal, Amzad Khan and that the bribe amount was being taken by Gurcharan Singh Jaidka, Clerk, Jagsir Singh, Data Entry Operator and Sukhwinder Singh @ Lovepreet @ Sukhi. It is further alleged that the share in the bribe was also being taken by Sanjeev Kumar and Satnam Singh, who were working with RTA, Sangrur privately through Dharminderpal @ Bunti. The information was further to the effect that on the given day Dharminderpal @ Bunti had collected bribe from different agents and had come to the office of Motor Vehicle Inspector, Sangrur for getting files passed.

3. Pursuant to receipt of said information, a raid was conducted by the police party at the office of MVI, Sangrur situated in PRTC Workshop, Sangrur on 18.8.2022 and the record at the entry gate was checked and the security personnel Gurpreet Singh made a statement that no private commercial vehicle apart from the official buses had entered in the Workshop for the purpose of inspection and that no private commercial vehicle was seen coming inside the Workshop since the last several days. The officials of the Vigilance Bureau, upon entering the office of the MVI, found Dharminderpal @ Bunti, Jagsir Singh, Date Entry Operator and Gurcharan Singh Jaidka, Clerk who were interrogated by the police. During interrogation, they disclosed details of accused and the modus-operandi and also got recovered incriminating documentary evidence.

4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that no offence can be attributed to them and it is the co-accused Mohinder Pal, Motor Vehicle Inspector who had been issuing inspection certificates without physically inspecting the vehicles and the petitioners were merely processing the files which were put up to them and have no role whatsoever in the matter regarding physical inspection of the vehicles.

5. Opposing the petitions, the learned State counsel has submitted that the petitioners were hand-in-gloves with the other co-accused including the Motor Vehicle Inspector - Mohinder Pal and were very well aware about the scam of issuance of inspection certificates without physical inspections, as has specifically been admitted by them in their disclosure statements wherein

they have also stated regarding receipt of various amounts from the agents through whom vehicle owners used to submit their cases for issuance of fitness certificates. The learned State counsel has, thus, submitted that the complicity of the petitioners is clearly borne out from the facts on record. The learned State counsel has, however, informed that the petitioners have been behind bars since the last about 4 months and that challan already stands presented and that they are not involved in any other case.

6. Without commenting anything as regards the merits of the case but having regard to the custody of the petitioners which is about 4 months and that challan already stands presented, further detention of the petitioners, who otherwise have a clean record would not be justified.

7. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is clarified that the aforesaid order shall enure offences under Sections 465, 467, 468, 471 IPC, which are stated to be added subsequently.

9. A photocopy of this order be placed on the file of connected case”

Learned counsel for the State though opposes for grant of bail, he is not able to distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case and on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

23rd January, 2023
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1. Whether speaking/ reasoned
- :
- Yes / No
2. Whether reportable
- :
- Yes / No