

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

CRM-M-802-2023 (O&M)

Date of Decision:- 19.1.2023

Charanbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.B.S.Dhillon, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab
assisted by Inspector Shakshi.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 14 dated 23.8.2022 under Sections 7, 7-A of the Prevention of Corruption Act, 1988 and Sections 420/120-B IPC at Police Station Vigilance Bureau, Jalandhar Range, District Jalandhar.
2. The FIR was registered pursuant to receipt of secret information to the effect that Naresh Kler, Motor Vehicle Inspector, Jalandhar had been issuing vehicle inspection certificates, without conducting physical checking of vehicles and documents and had been accepting illegal gratification through agents for doing the same. The information was further to the effect that an amount of ₹3,000/- used to be charged for passing bigger commercial vehicles below eight years old, for two years and ₹1,800/- for passing bigger commercial vehicles above eight years, for one year and ₹1,000/- for passing smaller commercial vehicles and thus, the Motor Vehicle Inspector and his

staff were collecting bribe running into lacs of rupees. The bribe money was allegedly being collected through private agents namely Ram Pal, Mohan Lal, Deepu, Sheru, Lovely, Paramjit Singh Bedi, Gupta (Manohar Lal Gupta), Sajay Car Bazaar, Surjit Singh and Rajesh. It is alleged that out of the bribe money, so collected through agents, due share was being passed on to officers/officials of the Transport Department.

3. The learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is stated to be nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Surjit Singh on 23.11.2022 whereas the said disclosure statement is apparently a fabricated document and would not carry any evidentiary value, particularly in view of the fact that the same stands contradicted by the stand taken by the police itself in the two remand applications pertaining to Surjit Singh filed by the police i.e. remand application dated 23.11.2022 (Annexure P-1) and remand application dated 25.11.2022 (Annexure P-2) wherein there is no reference to any such disclosure statement against the petitioner, though other accused are named therein.
4. The learned State counsel has, however, opposed the petition and has submitted that since co-accused Surjit Singh, who was arrested on 22.11.2022, had made a disclosure statement on 23.11.2022 wherein he has specifically named the petitioner Charanbir Singh to be one of the agents who had been collecting money as gratification for the purpose of passing of vehicles in an illegal manner, his complicity is clearly evident and as such, the arrest of the petitioner is required to unearth further details. The learned State counsel has further submitted that since a bail petition on behalf of an identically situated co-accused namely Manohar Lal Gupta, who was also

allegedly working as an agent, has already been dismissed vide order dated 21.9.2022 passed in CRM-M-43581-2022-Manohar Lal Gupta vs. State of Punjab, the instant petition also deserves the same fate i.e. dismissal. The learned State counsel has, however, informed that the petitioner otherwise is not involved in any other case.

5. This Court has considered the rival submissions.
6. While the State asserts that co-accused Surjit Singh had disclosed the name of the petitioner in his disclosure statement recorded on 23.11.2022, the counsel for the petitioner disputes the said assertion of the State on the ground that in case any such disclosure statement had actually been made, the same would have found mentioned in the remand application dated 23.11.2022 (Annexure P-1) or in remand application dated 25.11.2022 (Annexure P-2) wherein names of other co-accused are clearly mentioned. This Court has perused the aforesaid remand applications dated 23.11.2022 (Annexure P-1) and 25.11.2022 (Annexure P-2). There is a reference in application dated 23.11.2022 (Annexure P-1) that during interrogation co-accused Surjit Singh has stated that he and his staff had been working for the purpose of collecting amounts for getting vehicles passed and that in case a raid is conducted at his shop, then arrest of a girl namely Sapna, Naresh and share-holder Ajit Singh @ Ladi could be effected. Even in the remand application dated 25.11.2022 (Annexure P-2) in respect of co-accused Surjit Singh, there is a reference to the entire prosecution case but the same is conspicuously silent pertaining to the petitioner. The absence of name of the petitioner in both these remand applications casts some kind of doubt regarding the alleged disclosure of name of petitioner by co-accused Surjit

Singh on 23.11.2022, rendering the said disclosure statement dated 23.11.2022 of co-accused Surjit Singh doubtful.

7. The prosecution cannot derive any benefit from the fact that the bail application of Manohar Lal Gupta has been dismissed by this Court inasmuch as said Manohar Lal Gupta is specifically named in the FIR as 'Gupta' whereas the petitioner is nowhere named either in the FIR or in the two remand applications. As such, the petition merits acceptance and is hereby accepted. The petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

19.1.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No