

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

CRM-M-728-2023 (O&M)

Date of Decision:- 30.1.2023

Parveen Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aadil S. Boparai, Mr. G.S.B.Sidhu and
Mr. Rehat Bir S.Mann, Advocates for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by DSP Narender.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 12 dated 8.10.2022 under Sections 7, 7-A, 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 and under Sections 201/120-B IPC at Police Station State Vigilance Bureau, Panchkula, District Panchkula (Haryana).
2. The FIR was lodged at the instance of Akhtar wherein the complainant stated that he is into transport business under the name and style of M/s Raval T.C. and his fleet includes three vehicles bearing registration numbers of Haryana and which were being plied for transporting sand/pebbles from Yamuna Nagar to Shamli (Uttar Pradesh). It is alleged that in August, 2022, he met Subhash, RTA, Karnal, having additional charge of RTA, Karnal, for the purpose of plying overloaded vehicles. Said Subhash told him that the complainant would have to pay some extra money for the same and

introduced him to an employee in his office, who did not disclose his name but told the complainant to meet his tout Neeraj Gulati or Ankit Garg, both of whom were looking after the area of Yamuna Nagar. Sandeep was stated to be looking after the area of Karnal. Thereafter, when the complainant met Neeraj Gulati, he was told that the complainant would have to pay Rs.9,000/- per month in respect of the vehicles registered in Haryana i.e. Rs.27,000/- for three vehicles. Accordingly, he gave an amount of Rs.27,000/- to Neeraj Gulati for the month of August. Thereafter, he paid Rs. 18,000/- on the mobile phone number of Neeraj Gulati through *PhonePe* for the month of September and another Rs.9,000/- through cash. The complainant stated that he is having a total five vehicles including one vehicle bearing registration number of Uttar Pradesh and when he talked to Sandeep for permitting him to ply overloaded vehicles from Karnal, he demanded an amount of Rs. 50,000/- per month for plying five vehicles. The complainant alleged that he made payment of an amount of Rs. 20,000/- through *PhonePe* on the mobile phone of said Sandeep. Subsequently, when the complainant again met Neeraj Gulati, he asked for an amount of Rs.50,000/- for five vehicles and consequently, the complainant transferred an amount of Rs. 20,000/- through *PhonePe* and promised to pay another Rs. 30,000/- later. Subsequently, when the complainant met Ankit Garg, he said that plying an overloaded vehicle bearing Haryana registration number will cost Rs. 9,000/- per month and a vehicle bearing U.P. registration number will cost Rs. 15,500/- per vehicle and that out of the said amount, he himself will be pocketing Rs. 500/- and the remaining would be passed on to the RTA Office. The complainant said that he had been called to Yamuna Nagar to pay an amount of Rs. 40,000/-. Since the complainant did not want

to pay the same, he reported the matter to the Vigilance Bureau. A trap was accordingly laid and Ankit Garg was caught red-handed while accepting a bribe of Rs. 40,000/- from the complainant.

3. It is further the case of prosecution that the complainant, thereafter, contacted Neeraj Gulati who asked him to meet him at Jail Chowk, Jagadhri and where the police was able to apprehend Neeraj Gulati alongwith his accomplice Manik @ Lovely. During the course of investigation, they suffered disclosure statements admitting their guilt. Ankit Garg got recovered bribe amount of Rs. 4 lacs and Neeraj Gulati got recovered an amount of Rs. 46,000/-. Ankit Garg got recovered another amount of Rs.57,000/- from his bank account. Neeraj Gulati is stated to have recovered one diary. Ankit Garg also got recovered a register having accounts. Co-accused Sandeep was arrested on 12.10.2022 and who got recovered an amount of Rs. 17 lacs, a diary, slip pad and some paper slips. Subhash, RTA, Yamuna Nagar was arrested on 15.10.2022 who got recovered an amount of Rs. 29,98,500/- from his official accommodation at Jagadhri, Yamuna Nagar. Sunil Kumar was arrested on 20.10.2022 who also got recovered bribe amount of Rs. 5 lacs kept in his Creta car and later got another amount of Rs. 1.5 lacs recovered. On 28.10.2022, another accused Ramit Yadav, DTO, Ambala was also arrested who got recovered several mobile phones and an amount of Rs.10,24,000/-. Inspector Jasmer Singh, MVO, DTO Office, Karnal was also arrested who got recovered an amount of Rs. 2 lacs. On 7.11.2022, Ranjeet Singh, Driver was arrested who suffered disclosure statement and got recovered an amount of Rs. 1 lac. On 15.11.2022, another accused EASI Darshan Singh was arrested who got recovered an amount of Rs. 1.5 lacs.

4. The learned counsel representing the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of statement of Constable Pawan Kumar and also on the basis of disclosure statement made by co-accused Ramit Yadav and that even if the said statements are taken to be correct, the only role attributed to him by Constable Pawan Kumar is that he had introduced Pawan Kumar to RTA Ramit Yadav and as per statement of Ramit Yadav, he had given an amount of Rs. 25 lacs to the petitioner Parveen Kumar, who is stated to be his friend. There is no specific allegation that the petitioner himself had received any amount from the transporters.
5. Opposing the petition, the learned State counsel has submitted that since it is the petitioner who had introduced Constable Pawan Kumar to the DTO Ramit Yadav, who is the main accused and Ramit Yadav had also stated in his disclosure statement that he had paid an amount of Rs. 25 lacs to the petitioner, his complicity is clearly evident and as such, he does not deserve the concession of anticipatory bail.
6. This Court has considered the rival submissions.
7. A perusal of the FIR would show that it is co-accused Subhash, RTA who had initially met the complainant and had got him introduced to another employee of his office and who further told the complainant to meet Neeraj Gulati, Ankit Garg and Sandeep who were stated to be touts. The petitioner is nowhere named in the FIR and has been nominated as an accused subsequently mainly on the basis of statement of Constable Pawan Kumar who was initially associated as a witness and has also been nominated by co-accused Ramit Yadav in his disclosure statement.

8. The relevant extract from the statement of Constable Pawan Kumar recorded in terms of Section 164 Cr.P.C. is reproduced herein under :-

“Stated that I came on transfer from RTA Sirsa to RTA Ambala. After working for five to seven days, Praveen Kumar Driver said that RTA Ramit Yadav is his relative. I will make you to talk to him. He took me to RTA Ramit Yadav. He said I am RTA. He said monthly collection has to be done from overloaded vehicles, else I will spoil your job. Due to fear, I found some brokers. I got in touch with Sonu alias Sandeep and Sunil and I had started collecting monthly from them, no one will stop your overloaded vehicles.”

“Stated that I collected about Rs. 12 – 12 lakh from both of them i.e. Sonu alias Sandeep and Sunil at different times in the months of July, August and September, totaling Rs. 24 lakh and Rs. 12 lakh rupees was given to RTA Ramit Yadav at different times and Rs. 8 lakh rupees was given to Vijay Joshi and Rs. 2 lakh was given to the driver and Rameet Yadav said that you keep 2 lakh, which were used for my expenses and the rent of the house. I don’t want to say anything else, I have given my statement on my own free will.”

9. The relevant extract from the disclosure statement of Ramit Yadav is reproduced herein under :-

“.....In the team of Vijay Moshi MVO, I have also appointed my friend driver Praveen Kumar resident of Prem Nagar Najafgarh Delhi and Constable Pawan Kumar. Driver Praveen Kumar, who is my friend, introduced constable Pawan Kumar to me and during my posting RTA department in Panchkula Sub Inspector Darshan Singh has been engaged in checking team.....”

“.....As I taken 42 lac rupees as monthly from constable Pawan RTA Office Ambala and Sub-Inspector Darshan Singh RTA Panchkula collected as monthly as bribe. I have got 12 lakh 24 thousand rupees recovered from my official residence number 27/10

PWD Colony, Ambala Cantt Ambala on 28.10.2022. Out of the remaining amount, I have given 25 lakh rupees to my friend driver Parveen Kumar s/o Rameswar resident of gali number 5, Prem Nagar Najafgarh Delhi who used to work with me. Those 25 lakh rupees only Praveen Kumar get them recovered.....”

10. This Court finds that Pawan Kumar in his statement has disclosed that he was introduced by the petitioner to RTA Ramit Yadav and that out of the amounts collected by him from transporters, the petitioner had been given an amount of Rs. 2 lacs. The said statement discloses that petitioner had also received an amount of Rs. 2 lacs out of the bribe amount collected which would show that he was also involved in the racket. Similarly, even the disclosure statement by Ramit Yadav does show that he had given an amount of Rs. 25 lacs to the petitioner and that the petitioner was working with him. Even if it is nowhere specifically stated that the petitioner had himself been collecting money from transporters, his complicity is evident inasmuch as he had been introducing some persons to Ramit Yadav so as to act as agents for Ramit Yadav.
11. Having regard to the aforesaid facts and circumstances, this Court is of the opinion that the custodial interrogation of the petitioner would be required to know about the details of other collection agents, who may have been nominated by the petitioner as well as to get recovered the amount of Rs. 25 lacs, which is stated to have been given to him by co-accused Ramit Yadav.
12. The petition is sans merit and is hereby dismissed.

30.1.2023

kamal

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No