2023:PHHC:074669

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13097-2023 (O&M)
Date of Decision:- 24.5.2023

Bharat Bhushan … Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Ms. Malini Singh and
Mr. Rishab Singla, Advocates for the petitioner.

Ms. Geeta Sharma, DAG, Haryana and
Mr. Gurmeet Singh, AAG, Haryana.

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FIR NO.	DATE	POLICE STATION	OFFENCES
7	11.2.2023	SVB, Gurugram	Sections 7, 7-A, 8, 13(1)(B), 13(2) of the Prevention of Corruption Act, 1988 and Sections 201/120-B IPC.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case arising out of above mentioned FIR.

2. The FIR was lodged at the instance of Surendra Singh, wherein it has been stated that he is into transport business and his vehicles ply between Rajasthan and Gurgram, but they are being challaned repeatedly by RTO, Rewari. The complainant alleged that he had discussed the matter with other transporters, who gave him mobile number of one Kalu. When he contacted said Kalu on the said mobile number, he was assured by him that he will get

the matter settled with RTO and that the complainant would, however, be required to pay an amount of Rs.11,000/- per vehicle per month to the staff of RTO and that since the complainant was having 4 vehicles, he would be required to pay Rs.44,000/-. The complainant alleged that said Kalu used to collect money for RTO staff, Rewari and that on the given day, the complainant was supposed to pay an amount of Rs.44,000/-. The complainant thereafter contacted Vigilance Bureau and a trap was laid and said Kalu was caught red-handed while accepting an amount of Rs.44,000/-.

3. The aforesaid Kalu upon being arrested was asked by the Police officials to make a telephonic call to Sudhir Narwal and accordingly said Sudhir Narwal was called at the spot. When the aforesaid amount of Rs.44,000/- was passed on by Kalu to said Sudhir Narwal, he was also caught red-handed. It is further the case of the prosecution that upon being interrogated, Sudhir Narwal disclosed that the said amount was to be further passed on to one Kapil, Driver in Regional Transport Office. Accordingly, Sudhir Narwal was asked to make a telephonic call to said Kapil and to call him at the spot to collect the money, but said Kapil did not turn up. Subsequently, said Kapil was also arrested on the same day. It is further the case of prosecution that Sudhir Narwal in his disclosure statement had also disclosed that one Sahil Chillar, who is a transporter, had been collecting money from other transports/truck drivers and passing on the same to the Regional Transport Office. It is further the case of the prosecution that Sudhir Narwal in his disclosure statement further disclosed that co-accused Man Singh and Arvind Kumar @ Happy had been supplying lists of vehicles, which were not to be challaned and had been passing on huge amounts. Pursuant to the said statement, said two co-accused were also arrested.

4. Learned counsel for the petitioner has submitted that the petitioner who was working as Motor Vehicle Officer, Regional Transport Authority, Gurugram, has falsely been implicated in the present case solely on the basis of disclosure statement made by co-accused Sudhir Narwal and that there is nothing to show that the petitioner had ever demanded any amount or had accepted any amount from the co-accused or from any transporter or had extended any undue benefit to any such transporter. It has been submitted that the disclosure statement would not carry any evidentiary value, particularly when there is no corroborative evidence to establish the allegations against the petitioner. The learned counsel submits that it is apparently a case where some unscrupulous elements might have misused his name for the purpose of extracting money from truck Drivers/Transporters. The learned counsel has further submitted that since several other co-accused have been granted regular bail, the case of the petitioner who was never ever found demanding or accepting money is on a better footing and he deserves the concession of anticipatory bail.

5. Opposing the petition, learned State counsel has submitted that the evidence collected by police shows that several touts were collecting money from transporters and passing on the same to Sudhir Narwal and that when Sudhir Narwal was caught by the raiding team, an amount of Rs.44,000/- was recovered from his possession and since the name of the petitioner has surfaced in the disclosure statement of co-accused Sudhir Narwal, his complicity is clearly evident.

6. This Court has considered rival submissions addressed before this Court.

7. It is no doubt correct that the petitioner is not specifically named in the FIR and came to be nominated as accused on the basis of a disclosure statement made by co-accused Sudhir Narwal, who was the main person collecting the illegal proceeds from transporters and who used to pass on the same to the petitioner who was working as Motor Vehicle Officer, Regional Transport Authority, District Gurugram. The said Sudhir Narwal had been caught red handed and an amount of Rs. 44,000/- had been recovered which would tend to substantiate the case of the prosecution. The said Sudhir Narwal in his disclosure statement (Annexure R-2) categorically stated that he used to pass on the amount so collected from various transporters to Bharat Bhushan, Motor Vehicle Officer, Regional Transport Authority, District Gurugram. The relevant extract from the translated gist is reproduced herein-under :-

> "..................In this way, I used to get amounting to Rs.18,50,000/- as monthly of RTA, Rewari out of which 80/90 thousand rupees was my commission and I used to give the remaining money to Krishan dalal T.I of RTA Staff Rewari. I had given the last instalment of about Rs. 17 lac to Krishan Dalal, T.I. of RTA Staff Rewari. Similarly Rs.21,80,000/- were for RTA staff Gurugram, out of which my commission was Rs. one lac. I have given Rs. 16 lacs to M.V.O. Bharat Bhushan of RTA Staff Gurugram through Krishan Gurjjar, Rs. 1,50,000/- through Kapil driver and Rs.2,00,000/- myself. This process used to happen every month and time to pay the instalment to RTA staff was between 15th and 20th of every month. Before the 15th of every month, I used to collect monthly money from the vehicle owners through my colleagues................"

8. During the course of investigation, the prosecution has also recorded the statement of Shri Uday Singh, Secretary-cum-RTA, Gurugram wherein he has stated that he is appointed as District Transport Officer since 6.1.2023 and that Bharat Bhushan was appointed as MVO and was incharge of the

enforcement team and that whenever he used to go for checking of illegal and overloaded vehicles, he was accompanied by Driver Kapil. To a similar effect is statement of Mukesh Kumar, Transport Inspector who has also categorically stated that Driver Kapil used to accompany the petitioner whenever he used to go for checking of illegal and overloaded vehicles.

9. Having regard to the aforestated role of the petitioner, which is substantiated from the statements of other co-accused and while also bearing the magnitude of the scam, this Court is of the opinion that custodial interrogation of the petitioner would be required to unearth all the finer details of the scam. No special case for grant of anticipatory bail is made out.

10. The petition is sans merit and is hereby dismissed.

24.5.2023 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No