

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-15276-2023
Date of Decision: 13.04.2023

Saheed Ahmed ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohammad Arsahd, Advocate, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana,
assisted by Inspector Jaipal Singh, ACB, Gurugram.

FIR No.	Dated	Police Station	Section/s
41	27.11.2022	Vigilance Bureau, District Gurugram	384 IPC and Section 7-A of the Prevention of Corruption Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Haji Akbar, wherein he stated that his son was a driver by profession and had been plying truck between Rajasthan and Noida for the purpose of carrying building material. It is alleged that Shakir is a tout of the officials of the Regional Transport Office, Nuh and had been collecting huge amounts from truck drivers for the purpose of plying their trucks. It is alleged that an amount of Rs.28,000/- per month used to be collected on monthly basis. The complainant alleged that his Manager was also forced to pay amount, which was paid through PhonePe on his behalf and that several persons

were involved in the same. It is further the case of the prosecution that during the course of investigation, accused Shakir was arrested and in his disclosure statement, he disclosed the names of several persons including the petitioner.

3. Learned counsel for the petitioner submits that there is no evidence worth credence against the petitioner and he has been nominated on the basis of a disclosure statement, which would not carry any evidentiary value. Learned counsel has submitted that he is merely posted as a Driver in the Regional Transport Office and that even if the disclosure statement, as made by co-accused, is taken to be correct, there is no allegation to the effect that the petitioner had been collecting any amount on behalf of the Regional Transport Office and that in any case he being a Driver in the Regional Transport Office was obliged to drive the car whenever he was directed to do so by his superiors.
4. Opposing the petition, learned State counsel has submitted that since the petitioner used to go alongwith co-accused for the purpose of collecting illegal gratification from the truck drivers and has been named by co-accused Shakir, his complicity is clearly evident. Learned State counsel has, however, not disputed the fact that the petitioner is employed as a Driver in the Regional Transport Office.
5. This Court has considered the rival submissions addressed before it.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner being posted as a Driver would be obliged to drive the car as and when directed by his boss and that there is no specific allegation that he himself collected any amount from any of the truck

drivers or from anybody else, the complicity of the petitioner would be debatable. The petition, as such, is accepted and the petitioner, in the event of his arrest, is ordered to 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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.04.2023

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**