

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-16515-2023 (O&M)
Date of Decision:-25.5.2023

Mohinder Pal ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
19	18.8.2022	Vigilance Bureau, Patiala, District Patiala	7, 7-A of Prevention of Corruption Act, 1988 as amended in the year 2018 and Sections 420, 120-B, 465, 467, 468, 471 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
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) (petitioner) 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, Rohit Garg, Neetu Walia, Nimma, Ajaypal Goel, Amjad 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. Status report by way of affidavit of Shri Parminder Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Unit Sangrur has been filed by learned State counsel, which is taken on record.
5. It has been submitted by counsel representing the petitioner that as a matter of fact there were only five Motor Vehicle Inspectors working in the State of Punjab and the petitioner had been given charge of four Regional Transport Authorities covering the 10 districts and that on account of large number of vehicles which are required to be inspected in the aforesaid 10 districts, there could have been some inadvertent oversight or error in performance of his duty but the allegations pertaining to issuance of fitness certificates without conducting physical inspection are absolutely false. Learned counsel for the petitioner has submitted that since identically situated co-accused namely Gurcharan Jaidka and Dharminderpal @ Buntty have already been granted regular bail by this Court vide common order dated 17.1.2023 passed in CRM-M-45041-2022 (Annexure P-8), the petitioner also deserves the same concession on grounds of parity.
6. The learned State counsel while opposing the petition submitted that the petitioner is the prime accused inasmuch as he was posted as Motor Vehicle Inspector and it was his duty to physically inspect the vehicles before issuance of any fitness certificate and that he apparently had been issuing certificates of inspection without physically inspecting the vehicles. The State

counsel has informed that the petitioner as on date has been behind bars since the last more than 3 months and challan already stands presented. It has also been informed that the petitioner is not involved in any other case.

- 7. This Court has considered the rival submissions addressed before this Court.
- 8. Without commenting anything as regards merits of the case but having regard to the custody of the petitioner which is more than 3 months and that co-accused namely Gurcharan Jaidka and Dharminderpal @ Bunty have already been granted regular bail by this Court vide common order dated 17.1.2023 passed in CRM-M-45041-2022 (Annexure P-8) and also the fact that challan already stands presented, further detention of the petitioner would not be justified as conclusion of trial is likely to consume time.
- 9. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.5.2023
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No