

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

CRM-M-25090-2023 (O&M)
Date of Decision:- 22.05.2023

Raj Kumar @ Kalu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Atul Yadav, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Ranbir Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
07	11.02.2023	State Vigilance Bureau, Gurugram	7, 7-A, 8, 13(1)(B) and 13(2) of Prevention of Corruption Act and Sections 201 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular 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 the names of Sahil Chillar, Arvind Kumar @ Happy, Narender, Man

Singh, who are transporters and had been collecting money from other transporters/truck drivers and passing on the same to the Regional Transport Office. Pursuant to the said statement, the petitioner was arrested on 14.02.2023.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that as a matter of fact the petitioner himself is a transporter. Learned counsel has further submitted that since co-accused, namely, Sahil Chillar, Man Singh and Arvind Kumar @ Happy, Kapil and Narender Kumar have already been granted bail by this Court vide orders dated 13.04.2023 passed in CRM-M-13130-2023, order dated 15.5.2023 passed in CRM-M-22848-2023, order dated 18.05.2023 passed in CRM-M-24337-2023 and order dated 17.5.2023 passed CRM-M-24256 of 2023, the petitioner also deserves the same concession on grounds of parity.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is the main accused who had been collecting money from transporters and had been passing it on to co-accused Sudhir Narwal, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 months. It has also been informed that the petitioner happens to be involved in one more case for offence under Sections 279, 336 and 120-B of Indian Penal Code. It has also been informed that charges are yet to be framed and as many as 29 PWs have been cited.

6. This Court has considered the rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case particularly the fact that challan already stands presented and trial is yet to commence and as many as 29 PWs have been cited and that several other co-accused have already been granted bail, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

22.05.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasonedYes / No

Whether ReportableYes / No