

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43001 of 2023
Date of Decision: 29.08.2023

Prem Chand ...Petitioner
Versus
State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Yadav, Advocate for the petitioner.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0009	27.03.2023	ACB, Karnal, District Anti-Corruption Bureau, Haryana	7 of Prevention of Corruption Act, 1988 (Sections 13(1)(b) and 13(2) of Prevention of Corruption Act and Sections 186, 353 and 384 IPC added later on).

1. Seeking quashing of above captioned FIR, the petitioner, who is arraigned as an accused for demanding and accepting bribe of Rs.50,000/- for giving clearance of audit with regard to work of Municipal Committee, Garuanda, has come up before this Court.
2. The complainant, who was working as a Civil Engineer in the office of Municipal Committee, Garuanda informed the Inspector, Anti-Corruption Bureau, Panchkula that Prem Chand, who is Auditor/RO of the Audit Team of Accountant General, Haryana is demanding a sum of Rs. 50,000/- to give clearance of audit of the work done by him. He is pressurizing him to make a bad audit report if he did not fulfill his demand. Based on this, a trap was laid and the petitioner was arrested red handed.
3. Firstly, counsel for the petitioner has argued that the petitioner was not competent to audit because it was the work of team, as such, the entire complaint is fabricated. Second, leg of argument of the counsel for the petitioner is that there are contradiction in the complaint, statements of the witnesses recorded under Sections 161 and 164 Cr.P.C. and counsel also pointed out some discrepancies from the record.

4. Counsel for the petitioner further argued that there is a contradiction qua recovery, possession of money and there is delay of 10 days in testing the solution. Counsel for the petitioner has further argued that the petitioner had obtained the call details and the complainant did not make any phone call about the complaint on the toll-free number.

5. Argument addressed by the counsel for the petitioner is baseless because it is a case of trap. In corruption cases, its normally the person who demands money is responsible but possibilities of the bribe money being shared by various people who deal with the file might also have their share. However, in this case allegations are against the petitioner of demand and lateron, he was caught red handed. This Court cannot analyze the evidence which is yet to be proved and even otherwise, without giving an opportunity to the witnesses to explain the discrepancies during the trial, it shall be unjust for this Court to comment on their credibility at their back.

6. Recovery and possession of recovered money and its trail from complainant to accused is a matter of evidence. As concern for delay on testing of solution, once the laboratory finds the sufficient evidence, the only grouse which remains is only qua tempering which needs cross-examination. Whether the complainant had made a call on the toll-free number or a regular number or a whatsapp call is all subject to his cross-examination and this Court cannot draw a conclusion of such facts even before the stage of evidence. All the points raised by the petitioner are required to be proved by way of evidence by prosecution and this Court cannot comment or analysis this in petition under Section 482 Cr.P.C. Thus, there is no ground for quashing of FIR at this stage.

7. Given above, there is no merit in the present petition and the same is dismissed.

(ANOOP CHITKARA)
JUDGE

29.08.2023

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.