

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47792-2022 (O&M)
Date of Decision:- 2.3.2023

Rajinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Rai, Senior Advocate with
Mr. Prateek Gupta, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Kaushal Chander.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 232 dated 14.9.2022 under Sections 381/34 IPC and Section 7(E) read with Section 13(2) of the Prevention of Corruption Act at Police Station City Hoshiarpur, District Hoshiarpur.
2. The FIR was registered pursuant to a fact finding inquiry, having been conducted by Civil Judge (Senior Division) Hoshiarpur pertaining to 'missing' of 204 traffic challans from judicial record room, Hoshiarpur. As per the findings of the inquiry, Vikram Singh, Peon (deputed to work in the office of District & Sessions Judge, Hoshiarpur) and Rajinder Singh, Process Server (deputed to work in Judicial Record Room, Hoshiarpur) in connivance with each other had stolen traffic challans from the record room and handed over the documents to the violators in exchange of money received from them.

3. The learned counsel representing the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that he had any domain over the challans in question or had connived with the co-accused Vikram Singh. It has been submitted that pursuant to directions issued by this Court vide order dated 12.1.2023, it had been found that the petitioner was not in touch with co-accused Vikram Singh over phone and which would rule out his complicity in the matter.
4. Opposing the petition, the learned State counsel has submitted that in the present case, a thorough inquiry had been conducted by a Judicial Officer as per which the petitioner alongwith co-accused Vikram Singh, had been stealing challans from the record room and had been handing over documents to such traffic violators after receiving money from them which leaves no manner of doubt as regards his involvement and thus, the petition deserves to be dismissed.
5. This Court has considered rival submissions addressed before this Court and has also gone through the inquiry report.
6. While co-accused Vikram Singh was working in the office of the District & Sessions Judge, Hoshiarpur, the petitioner had been deputed to work in the Judicial Record Room, Hoshiarpur and as such, the petitioner had access to the challans. The matter came to the notice when Shri Atul Sharma, Assistant/Record Keeper, Judicial Record Room, Hoshiarpur, who was told to put up challans before the Lok Adalat to be held on 13.8.2022, found that several challans were missing from record room. One Advocate, Shri Ripu Daman, who was also inquiring about a traffic challan pertaining to his

client, disclosed that his client had received a call from some person from the Court who offered to give back his document in Lok Adalat and upon verification of the number from which the call had been received, the same was found to be of Vikram Singh. It was further found that Vikram Singh had contacted another person living in Ravi Dass Nagar and asked him to pay an amount of Rs. 5000/- in exchange of the challan document and had shown him his official identity card but the said person did not pay the amount and rather noted down his name and registration number of his motorcycle i.e. PB-52-7461, which was found to be of Vikram Singh. It was also found that the glasspane of a ventilator was found missing. Upon inquiry from ASI Ram Kumar, Security Officer, he disclosed that few days back he had seen Vikram Singh, Peon on the roof of record room at 7 a.m. and when he asked Vikram Singh about purpose of the same, he replied that Judge Sahib has asked him to repair the 'gate-valve' of the water tank.

7. When the statement of Vikram Singh, Peon was recorded during the fact finding proceedings, he admitted his guilt and stated that he took out traffic challans from record room with the help of Rajinder Singh as and when any traffic violator approached him and that the money received from such traffic violator used to be shared between him and Rajinder Singh in equal share. He stated that he used to make calls on mobile phone numbers which were mentioned in the challan and called the person in the Court and had made calls to about 100 persons and had handed over documents after taking money from them. Rajinder Singh, in his statement, however, denied the allegations and stated that all that has been stated by Vikram Singh is false. Statements of several other witnesses were also recorded including that of

Shri Ripu Daman, Advocate. The relevant extract from the inquiry report of learned Civil Judge (Senior Division), Hoshiarpur reads as follows :-

“He further admitted that Rajinder Singh took out the traffic challans from the record room and handed over to him and he contacted the violators through mobile phone numbers mentioned on the traffic challans and handed over the documents to them after receiving money from them. Though Rajinder Singh, Process Server, deputed in the Record Room, Hoshiarpur, stated that Vikram Singh is levelling false allegations against him, but the under-signed is of the considered opinion that as Sh. Vikram Singh was posted as Peon in the court of Ms. Minakshi Mahajan, learned Judicial Magistrate Ist Class, Hoshiarpur, he could not have knowledge where the traffic challans are lying in the Judicial Record Room without the help of any person working in the judicial record room. Moreover it has not come on record that Vikram Singh was ever posted in the Judicial record room, Hoshiarpur or he had any access to judicial record room, so he could take out the traffic challans from the record room at his own. Undersigned is of the considered view that there is an official posted in record room, who has helped him to take out the traffic challans and this fact has been categorically stated by Vikram Singh EW8 in his statement recorded on 31.8.2022 that Rajinder Singh handed over the traffic challans to him and he contacted the violators through mobile phone numbers mentioned on the traffic challans and handed over the documents to them after receiving money from them. He has also stated that thereafter both of them used to divide the money equally. Thus in view of the statements made by above said official witnesses as well as public witnesses, I hold that Vikram Singh in connivance with Rajinder Singh, Process Server deputed in the Judicial Record Room, Hoshiarpur, stolen the traffic challans from the record room and handed over the documents to the violators after receiving money from them.”

8. The aforesaid report clearly shows that the learned Civil Judge (Senior Division) Hoshiarpur has reached at the conclusion as regards complicity of petitioner after recording statements of several witnesses. Such like malpractices and corruption by the officials posted in the Courts tarnish the image of the entire judiciary and no leniency is warranted in such like cases.

The mere fact that there is no “telephone call detail” record to show that the petitioner was in touch with co-accused Vikram Singh would not be of much significance as both the petitioner and co-accused Vikram Singh, being posted in same Court-complex would be physically meeting each other every day and they would have hardly been any need for them to speak over phone. In the present case, the custodial interrogation of the petitioner would be required to unearth all the finer details of the *modus operandi* and as to who else was involved in the entire scam. No special ground for grant of anticipatory bail is made out.

9. There is no merit in this petition and the same is hereby dismissed.

2.3.2023

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No