

2024:PHHC:163968



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

**RSA-4601-2018 (O&M)
Reserved on : 22.11.2024
Pronounced on : 10.12.2024**

Bhupinder SinghAppellant

VERSUS

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A. S. Syan, Advocate for the appellant.

Mr. Pawan Kumar, DAG Punjab for the respondent.

ALKA SARIN, J.

1. The present regular second appeal has been preferred by the defendant-appellant challenging the judgment and decree dated 27.02.2018 passed by the First Appellate Court decreeing the suit for recovery filed by the plaintiff-respondent. The Trial Court vide judgement and decree dated 26.09.2017 had dismissed the suit.

2. Brief facts relevant to the present *lis* are that the defendant-appellant approached the Vigilance Bureau alleging that one Rajinder Singh, JE, PSEB had demanded Rs.2000/- as bribe for installing the neutral phase wire which was settled at Rs.1500/-. The defendant-appellant approached Ranjit Singh Dhillon, DSP Vigilance Bureau, FS-2 Patiala with Rs.1500

currency notes for applying powder and a case FIR No.12 dated 16.03.1999 was registered against accused Rajinder Singh, JE, PSEB under Sections 7, 13(2), 88 P.C. Act. A raid was conducted by the Vigilance Bureau and the accused Rajinder Singh was arrested red handed. It was averred that supplementary statement of the defendant-appellant was also recorded after the raid. After conducting investigations, challan was presented against Rajinder Singh, JE in the Court of Special Judge, Patiala in which case the defendant-appellant appeared as PW11. However, the defendant-appellant resiled from his earlier statements recorded by the Vigilance Bureau and finally accused Rajinder Singh, JE was acquitted. It was further averred that the defendant-appellant had received a reward of Rs.25,000/- under a scheme of awarding the complainants in bribe cases and that the defendant-appellant, after pocketing Rs.25000/- from the State Government, had resiled from his original statements while deposing in the Court as PW11. The defendant-appellant had played a fraud upon the State Government and cheated the State Government and caused loss to the Government Exchequer of Rs.25,000/- for which FIR No.13 dated 03.02.2003 under Section 420 IPC was registered against him and he was convicted by the Court. Thus, the suit for recovery along with interest. In his written statement the defendant-appellant raised preliminary objections regarding maintainability, the suit being false, frivolous and vexatious, not coming to Court with clean hands, locus standi, cause of action, concealment, etc. It was the stand taken that the plaintiff-respondent had no right, title or authority to file the suit and there was no authorization on the file by the State of Punjab to file the suit. It was

claimed that the defendant-appellant had wrongly been convicted and that his appeal was pending.

3. From the pleadings of the parties the following issues were framed :

1. Whether the plaintiff is entitled to recovery of Rs. 95675/- as prayed for ? OPP
2. If issue no.1 is proved, whether the plaintiff is entitled to future interest ? If so, at what rate ? OPP
3. Whether the suit of the plaintiff is not maintainable ? OPD
4. Whether the plaintiff has no cause of action and local standi to file the present suit ? OPD
5. Whether the plaintiff has not come to the court with clean hands and has suppressed the material facts ? OPD
6. Whether the suit is false, frivolous and vexatious to the knowledge of the plaintiff ? OPD
7. Relief.

4. Vide judgement and decree dated 26.09.2017 the Trial Court dismissed the suit of the plaintiff-respondent. Aggrieved by the same an appeal was preferred by the plaintiff-respondent which appeal was accepted by the First Appellate Court vide judgement and decree dated 09.10.2018 and the suit was decreed for recovery of Rs.25,000/- with interest thereon @ 12% per annum w.e.f. 24.07.2000 upto the date of institution of the suit and

pendentlite as well as future interest @ 6% per annum till actual realization.

Hence, the present regular second appeal by the defendant-appellant.

5. The learned counsel for the defendant-appellant would contend that the First Appellate Court has erred in decreeing the suit of the plaintiff-respondent. It is urged that the plaintiff-respondent was not entitled to recover any amount from the defendant-appellant merely because he had resiled from his statement in Court. According to counsel the circular regarding giving of rewards to citizens who complained about bribe seekers did not have any such condition that the informant was to support the case in Court also.

6. Heard counsel for the defendant-appellant.

7. In the present case the defendant-appellant had approached the Vigilance Bureau complaining that Rajinder Singh, JE was demanding a bribe. A trap was set and Rajinder Singh, JE was caught red-handed. Later when the case was tried in Court the defendant-appellant did not support the prosecution. Rajinder Singh, JE was acquitted. In the meantime the defendant-appellant was rewarded Rs.25,000/- under a scheme of awarding informants about bribe seekers. As the accused Rajinder Singh, JE was not successfully convicted the plaintiff-respondent sought the reward money back with interest. The suit was not filed on the ground of any clause in the reward scheme. A person who has been unjustly enriched at the expense of another is required to make restitution to the other. The First Appellate Court found that *“No doubt that there is no such condition in the circular Ex.PW1/F that the giving of award is subject to the decision of the case, but*

the plaintiff cannot be non suited merely on this ground. Moreover, the right of plaintiff to recover the said amount is not barred under any law or by the said circular. Moreover, in the said circular merely, procedure regarding the payment of award to a person complaining against a corrupt official is laid down. In the said circular, it is nowhere mentioned that the Vigilance Bureau cannot recover the amount from a person who resiled from his statement after receipt of award money. The defendant cannot avoid the liability to pay the amount in question on the ground that there is no such condition that giving of award is subject to decision of Court in the said circular. Furthermore, as the trial of the said FIR has resulted into acquittal of accused JE Rajinder Singh as the defendant has resiled from his statement so, he cannot take a bonanza from the court for his own wrongs. Furthermore, the defendant has also admitted the writing Ex.PW1/I vide which he undertook to return the award amount to the plaintiff. Even the defendant did not challenge the said writing Ex.PW1/I in the cross-examination of PW1 DSP KD Sharma who proved the said document during his statement". Learned counsel for the defendant-appellant has failed to point out as to how the findings recorded by the First Appellate Court are erroneous or perverse. No cogent and reliable evidence has been shown to the Court by the learned counsel which would establish that the plaintiff-respondent did not have a right to seek recovery of the reward amount. This Court finds no reason to differ from the findings returned by both the Courts. No other point was argued.

8. In view of the above, no question of law, much less any substantial question of law, arises in the present case which requires determination by this Court. The present appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.12.2024

Ankur

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No