

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

(1) **CRM-M-39970-2022 (O&M)**

Ravinder Singh Gill ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-40918-2022 (O&M)**

Mohinder Pal ...Petitioner

Versus

State of Punjab ...Respondent

(3) **CRM-M-43424-2022 (O&M)**

Sanjeev Kumar ...Petitioner

Versus

State of Punjab ...Respondent

(4) **CRM-M-43595-2022 (O&M)**

Satnam Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 13.1.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate,
for the petitioner in CRM-M-39970-2022.

Mr. Preetinder Singh Ahluwalia, Advocate with
Mr. Harkirat Singh Randhawa, Advocate,
for the petitioner in CRM-M-40918-2022.

Mr. Sapan Dhir, Advocate and
Mr. Tarunveer Vashisth, Advocate,
for the petitioner in CRM-M-43424-2022.

Mr. Ishan Gupta, Advocate,
for the petitioner in CRM-M-43595-2022.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Shri Krishan.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned four petitions filed on behalf of Ravinder Singh Gill, Mohinder Pal, Sanjeev Kumar and Satnam Singh seeking grant of anticipatory bail in a case registered against them vide FIR No. 19 dated 18.8.2022 under Sections 7, 7-A of the Prevention of Corruption Act, 1988 (as amended in the year 2018) and Sections 420, 465, 467, 468, 471/120-B IPC at Police Station Vigilance Bureau, Patiala, District Patiala.
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) 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, Arhoit Garg, Neetu Walia, Nimma, Ajaypal Goyal, Amzad 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. The learned counsel representing the petitioner-Ravinder Singh Gill, RTA, Sangrur has submitted that the petitioner has no role to play in the alleged scam and that neither he had accepted or received any amount for physical verification/fitness certificate nor it was his duty to physically inspect the vehicles and that his job was to scrutinize the files which used to be put up before him after completion of formalities and which were put up through the software “*Vahan Citizen Services*” and that in case the Motor Vehicle Inspector had made a false report regarding conducting physical inspection of the vehicle without actually conducting the same, it was not possible for him to come to know about the same and as such, it is the Motor Vehicle Inspector who can solely be held liable for such lapse committed intentionally or unintentionally.
5. The learned counsel representing the petitioner-Mohinder Pal, Motor Vehicle Inspector has submitted that as a matter of fact there are only five Motor Vehicle Inspectors working in the State of Punjab and the petitioner has been given charge of four Regional Transport Authorities covering the following 10 districts :-

S.No.	RTA Office	Corresponding Districts within its jurisdiction
1	Bathinda	1. Bathinda 2. Mansa
2	Faridkot	3. Faridkot 4. Muktsar 5. Moga
3	Ferozepur	6. Ferozepur 7. Fazilka
4	Sangrur	8. Sangrur 9. Malerkotla 10. Barnala

6. The learned counsel representing the petitioner-Mohinder Pal, Motor Vehicle Inspector has further submitted that having regard to the pressure of work 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 and cooked up. The learned counsel has further submitted that having regard to the fact that the inspection of commercial vehicles cannot be deferred for a long period as the owners of such vehicles would incur huge losses on account of the said vehicles being off the road, he had been taking assistance of some of his subordinates in processing the files but no such inspection report was given without actually physically conducting the inspection.
7. The learned counsel representing the petitioners-Sanjeev Kumar and Satnam Singh has submitted the petitioners have been named as accused in the FIR by way of levelling false allegations to the effect that they used to collect the share of Ravinder Singh Gill, RTA out of the amount collected from vehicle owners by Dharminderpal and used to pass on the same to Ravinder Singh Gill, RTA whereas there is no such evidence on record to show that they had ever received any amount from Dharminderpal or had further passed on the same to Ravinder Singh Gill, RTA. The learned counsel has further submitted that several other identically situated co-accused namely Pawan Kumar, Jagjit Singh, Ajay Pal Goyal, Deshmukh Goel and Rohit Kumar who were also private individuals and have been named in the FIR being

touts/agents who used to collect money from vehicle owners have already been granted anticipatory bail by the Court of learned Additional Sessions Judge, Sangrur.

8. Learned State counsel has opposed the petitions and has submitted that the complicity of the petitioners is writ large on the facts and circumstances of the case, which disentitles them for grant of relief of anticipatory bail. The learned State counsel submitted that the petitioner-Ravinder Singh Gill was posted as Regional Transport Authority (RTA), Sangrur and the scam to this extent could not have gone unnoticed. It has been submitted that having regard to the number of fitness certificates being issued and the number of files which were being put up before the petitioner-Ravinder Singh Gill for final approval, it remains unexplained as to why he never raised any eyebrow as to how such a huge number of physical inspections were being conducted by Mohinder Pal, MVI who was looking after as many as 10 districts. The learned State counsel has submitted that Ravinder Singh Gill, RTA acted fully in connivance with Mohinder Pal, Motor Vehicle Inspector for the purpose of passing the vehicles in an illegal manner without getting the same physically inspected.
9. The learned State counsel has further submitted that the petitioner-Mohinder Pal 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, as would be evident from the statements of Kashmir Singh, Driver and

Gurpreet Singh, Security Guard who were deployed at the main gate of PRTC Workshop, Sangrur and who had categorically stated that no private vehicle had entered the Workshop for the purpose of inspection or passing. The learned State counsel has submitted that the aforesaid certificates were being issued without conducting physical inspection in return of monetary consideration, as has also been disclosed by co-accused Dharminderpal @ Bunti who had been apprehended at the spot and is also evident from the disclosure statement of Gurcharan Singh Jaidka, Clerk and also from disclosure statement Sukwinder Singh @ Lovepreet @ Sukhi.

10. The learned State counsel, while opposing the petitions filed on behalf of Satnam Singh and Sanjeev Kumar has submitted that during the course of interrogation, co-accused Dharminderpal @ Bunti had specifically stated that the share of Ravinder Singh Gill, RTA out of the money collected from agents was being passed on to Ravinder Singh Gill, RTA through Sanjeev Kumar and Satnam Singh, who were privately working with him. The learned State counsel has submitted that the said co-accused Dharminderpal also got recovered nine handwritten lists from the cupboard of his bedroom wherein the names of all the agents and also of the petitioners were clearly reflected. A prayer has, thus, been made for dismissal of all the four petitions.

11. This Court has considered the rival submissions.

12. It is pursuant to receipt of secret information by the Vigilance Bureau to the effect that Ravinder Singh Gill, RTA and Mohinder Pal, MVI were issuing fitness certificates regarding inspection of vehicles without physically

checking the vehicles by taking bribe from the vehicle owners that a raid was conducted at the office of MVI. One Dharminderpal @ Bunti, a private individual, Jagsir Singh, Data Entry Operator and Gurcharan Singh Jaidka, Clerk were found present in the office of MVI and upon their interrogation, they disclosed the *modus operandi* as regards issuance of vehicle inspection certificates. It was disclosed by Dharminderpal that Rakesh Kumar, Agent had given 18 files and an amount of Rs. 18,000/- for passing of vehicles which he had further passed on to Gurcharan Singh Jaidka, Clerk. He further stated that Rohit Garg, an Agent owed him Rs. 20,000/- in respect of the previous files. Upon search of Dharminderpal, a handwritten slip containing accounts and fitness certificates of four vehicles were recovered from the pocket of his trousers.

13. Gurcharan Singh Jaidka, Clerk produced 18 forms kept in his file for the purpose of passing vehicles on which 'RK Sangrur' was scribed and also produced currency notes worth Rs. 18,000/- which according to him were passed on to him by Dharminderpal @ Bunti. During interrogation, Gurcharan Singh Jaidka, Clerk produced a large number of vehicle passing forms and fitness certificates were also annexed bearing signatures of Mohinder Pal, MVI but without signatures of Ravinder Singh Gill and short names of agents were inscribed on the reverse side of such certificates. Gurcharan Singh Jaidka, Clerk disclosed during interrogation that Sukhjinder Singh @ Sukhi had been privately working for Mohinder Pal, MVI and Ravinder Singh Gill, RTA since long time and had sent him a list of vehicles for passing without any forms on 8.8.2022, 9.8.2022 and

10.8.2022 and that he had passed on the said list to Mohinder Pal, MVI and later Ravinder Singh Gill, RTA approved the passing of said vehicles and that he (Gurcharan Singh Jaidka, Clerk) had made separate bundles of the fitness certificates as per the lists and had kept them hidden in the office cupboard.

14. It will not be out of place to mention that the police during the course of investigation also collected call details record and location record in respect of mobile number of Mohinder Pal, MVI and as per which he was found present in various districts on the following dates, as stated below :-

1.8.2022	Gurdaspur
4.8.2022	Bathinda, Ferozepur, Tarn Taran, Gurdaspur
9.8.2022	Bathinda
10.8.2022	Bathinda
11.8.2022	Bathinda, Faridkot, Tarn Taran, Amritsar

15. Interestingly, the petitioner had passed various vehicles on 1.8.2022, 4.8.2022, 9.8.2022 10.8.2022 and 11.8.2022 when infact he was not even present in those places e.g. he was present in Gurdaspur, Tarn Taran and Amritsar on the days when some inspection certificates were issued in the districts which were allotted to him.

16. Gurcharan Singh Jaidka, Clerk got the said bundles of the fitness certificates recovered from his office cupboard and on which the name 'Sukhi' was written on each bundle. As many as 74 fitness certificates were recovered, which were taken into possession.

17. Upon arrest of Sukhjinder Singh @ Sukhi, he also disclosed identically as regards the *modus operandi* and regarding passing of the vehicles by

Ravinder Singh Gill, RTA and Mohinder Pal, MVI without physical inspection by accepting bribe.

18. Dharminderpal also got recovered nine handwritten lists from the cupboard in his bedroom wherein short names of various agents were inscribed and amounts received or which were given to them were also mentioned.

19. As far as the petitioner-Ravinder Singh Gill, RTA is concerned he is at the helm of affairs and it is under his signatures that the fitness certificates used to be issued. However, it is not in dispute that Ravinder Singh Gill, RTA was not himself supposed to physically inspect the vehicles and he was to act on the basis of the reports/files which were put up to him. The files are stated to be put up before him digitally through the software "*Vahan Citizen Services*" after all formalities are completed by the subordinates. As such, at this stage and in the absence of any direct evidence that he had accepted any amount, it cannot be said that he had signed on the fitness certificates after accepting bribe. The petitioner-Ravinder Singh Gill, as such, is entitled to the concession of anticipatory bail.

20. As far as the petitioner-Mohinder Pal is concerned, he being posted as MVI was the person who was responsible for conducting the physical inspection of the vehicles which were to be issued fitness certificates and it was on the basis of his report pursuant to physical verification that the file was required to be put up before the next senior Officer i.e. RTA. The facts and circumstances and the evidence collected during investigation clearly show that a large number of inspection reports had been made by him without physically inspecting the vehicles. The said fact would also be evident from

the statements of Kashmir Singh, Driver and Gurpreet Singh, Security Guard who were deployed at the entry gate of PRTC Workshop where the vehicles are inspected and both of whom categorically stated that no private vehicle had come to the Workshop for physical inspection. The said statements clearly point out that the certificates had been issued without physically inspecting the vehicles. Still further, bearing in mind the number of inspection certificates which were being issued each month by Mohinder Pal, MVI, which is stated to be around 2500 and that too by visiting ten different districts during about 20 working days clearly shows that the inspection certificates had been issued without physically inspecting the vehicles. As such, his complicity is clearly evident and consequently, he is not entitled to grant the concession of anticipatory bail.

21. As far as the petitioners Sanjeev Kumar and Satnam Singh are concerned, they are stated to be the conduit between the agents who collected money from vehicle owners and the officials of the Transport Department i.e. Ravinder Singh Gill, RTA and Mohinder Pal, MVI. The evidence against them is in the shape of statement of Dharminderpal. The relevant extract from the statement of Dharminderpal as reproduced in Para 5 of the reply filed by the State in Satnam Singh's case i.e. CRM-M-43595-2022 is reproduced herein under :-

“During police remand he further disclosed on interrogation that, ‘one person named as Sanjiv Kumar resident of Khalifa Street Sangrur working privately in the office of RTA Sangrur used to collect bribe money from me to give to RTA. Another person Satnam Singh resident of Mahal Mubark Colony, Sangrur working

privately in RTA office he too used to collect bribe money from me. Whatever, amount I used to give them, that amount is entered in the list. In these lists two entries of Rs. 50,000/-, Rs. 50,000/- were given to Babu Sanjiv Kumar who took this money from me to give to RTA. That is why I used to write the names and amount on the expenditure side. Satnam Singh Giani had also taken Rs. 50,000/- few times to give to RTA, but those list I have destroyed.”

22.A perusal of the aforesaid statement does show that Dharminderpal categorically stated that he had recorded entries regarding payment to Sanjeev Kumar and also to Satnam Singh but the said list had been destroyed. In any case, the role of the said private individuals namely Sanjeev Kumar and Satnam Singh is that of touts who had passed on the money collected through agents to the officials of the RTA and in return had accepted some amount but it is the co-accused Mohinder Pal, MVI who is the main accused and their role cannot be equated with that of Mohinder Pal, MVI. In any case, the other agents namely Pawan Kumar, Jagjit Singh, Ajay Pal Goyal, Deshmukh Goel and Rohit Kumar have already been granted bail by the learned Additional Sessions Judge, Sangrur and as such, the said petitioners also deserve the same relief on grounds of parity.

23.As a sequel to the discussion made above, while the petitions filed on behalf of Ravinder Singh Gill, Satnam Singh and Sanjeev Kumar are accepted, the petition on behalf of Mohinder Pal is hereby declined.

24.The petitioners Ravinder Singh Gill, Satnam Singh and Sanjeev Kumar in the event of their arrest shall be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of

Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25. Before parting with this order, this Court cannot help observing that the duties assigned to petitioner-Mohinder Pal, MVI i.e. conducting inspections of commercial vehicles in as many as 10 districts cannot be discharged efficiently, having regard to the number of commercial vehicles, which would be required to be inspected every month. It also goes without saying that the owners of commercial vehicles, many of which would be financed, cannot afford to keep the said vehicles off the road as the same would entail losses to them. Whenever any fitness certificate expires, the vehicle owner is required to get such fitness certificate revalidated and for which physical inspection is required and in case such physical inspection is not conducted efficiently, the same would mean that the owner will not be able to ply the vehicle on road and consequently, suffer losses.

26. In such a scenario, the Government is required to ensure that the vehicle owners do not face any difficulty in getting their vehicles inspected on the same very day when they are brought to the Workshop or on a day pursuant to fixation of any dates/appointment for such inspection. One Motor Vehicle Inspector certainly cannot be expected to discharge his duties efficiently in case he is assigned 10 districts for the purpose of conducting inspection of vehicles.

27. Though, it has been informed that some kind of system has been put in place to enable vehicle owners to apply online for issuance of fitness certificate, but it appears that there is no provision for fixing or choosing any date in advance for getting physical inspection conducted. In the absence of any such system, the number of vehicle owners who would be turning up for vehicle inspection cannot be regulated. The said procedure needs to be streamlined and to be made efficient, easier and user-friendly. The easier the system is made, lesser the chances of corruption and exploitation by touts.

28. The Secretary, Government of Punjab, Department of Transport is directed to look into the matter and to apprise this Court as to how the said matter can be streamlined. While the aforesaid petitions stand disposed off, the matter shall be listed again before this Court on 9.3.2023 so as to enable the Secretary, Government of Punjab, Department of Transport to apprise this Court about the steps proposed to be taken in this regard.

29. A photocopy of this order be placed on the file of connected cases.

13.1.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No