
(2023) 02 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 54179, 57449 Of 2022 (O&M)

Tikka Yashvir Chand And Others

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 08-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 384, 385
Prevention Of Corruption Act, 1988 — Section 7, 7A
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2023) 02 P&H CK 0024

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Simranjit Singh, Luvinder Sofat

Judgement

Gurvinder Singh Gill, J

CRM-4123-2023 in CRM-M-54179-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexures P-4 to P-15 are taken on record, subject to all exceptions.

1. This order shall dispose of the above mentioned two petitions wherein petitioners Tikka Yashvir Chand and Jarnail Singh, seek grant of anticipatory bail in a case registered vide FIR No.155, dated 12.11.2022, Police Station Nangal, District Roopnagar, under Sections 384, 385 of IPC and Sections 7 and 7-A of Prevention of Corruption Act.

2. The FIR was lodged at the instance of one Dalbir Singh, wherein it is alleged that he runs a stone crusher within the limits of village Algra, and purchases raw-material from Rakesh Kumar Chaudhary from his sanctioned mines. It is alleged that while they transport the raw-material from these mines to their crushers, Yashvir Chand Tikka, Advocate Vishal Saini, Hardev Singh, Jarnail Singh @ Jola, Surinder Singh Shinda and Jaswinder Singh Giani along with 15-20 unidentified

persons stop their vehicles loaded with raw-material and threaten them that they will not allow their vehicles to pass unless they gave some money. It is alleged that in this manner the said persons had been taking Rs.1 lacs to Rs.1.5 lacs per crusher and as such had collected about Rs.2/2.5 crores from the crusher owners over a period of time.

3. Learned counsel representing the petitioners has submitted that they have falsely been implicated in the present case and that there is nothing on record to support the allegations that the petitioners or others had been collecting money by way of extortion as alleged. It has been submitted that in any case the allegation do not appeal to reason inasmuch as the complainant and others were transporting legally extracted raw-material and as such would not have given any bribe or money.

4. Opposing the petition, learned State counsel has submitted that the accused had formed a self-styled vigilante group and had been extracting money as the raw-material was being transported through the area to which the complainants belong. Learned State counsel has referred to printouts of some handwritten record stated to be scree-shots taken from the mobile phone of the complainant which were sent to the phone of Jarnail Singh. Learned State counsel has further submitted that there has been a large number of telephone calls exchanged between the complainant and the petitioners which would clearly indicate that they had been conversing with each other.

5. This Court has considered the rival submissions addressed before this Court.

6. It is not disputed that the mining raw-material was collected from site of Rakesh Kumar Chaudhary who has been authorized to conduct mining. It remains unexplained as to why the complainants were paying money to accused as is being claimed by them because the complainants were carrying legally mined raw material. The alleged allegations of extortion do not prima facie seem to be substantiated. The record on which the prosecution relies upon which is annexed as Annexure R-5, is in the shape of some hand-written record wherein registration number of vehicles are mentioned and against which some amounts are mentioned, but at this stage it cannot be said that the said amounts which vary from Rs.1000/- to Rs.19,000/- odd rupees, is extortion amount. Though, as per the call-detail record it does appear that a large number of calls were exchanged between the complainant and the accused but the same ipso facto cannot be construed to mean that the same were for demand of amount.

7. Having regard to the aforesaid facts and circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioners. The petitioners, in the event of arrest, 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 and provide all the information including mobile phones as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the

conditions as provided under Section 438 (2) Cr.P.C.

8. A photocopy of this order be placed on the file of each connected case.