

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-28969 of 2016

Date of Decision: September 23, 2016

Salwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.M.S. Bajwa, Advocate for the petitioner.
Mr. Aditya Sanghi, Addl.A.G., Punjab.

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M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of pre-arrest bail in case FIR No. 111 dated August 3, 2016 registered under Sections 7 and 13 (2) of the Prevention of Corruption Act, 1988 read with Section 376-CC IPC at Police Station City Gurdaspur. The FIR has been registered at the instance of Rajneesh Kumar on the allegations that he along with his brother-in-law Vikram Kumar who is real brother of his wife Ritu were involved in a case FIR No. 24 dated March 22, 2014 under Sections 376, 506, 34 IPC at Police Station Dhaliwal, District Gurdaspur. An application had been filed by wife of complainant Ritu to SSP, Gurdaspur claiming that the said accused in aforesaid FIR No. 24 had been falsely implicated. The petitioner is alleged to have not only demanded and received a sum of Rs.50000/- from the wife of complainant Ritu but had also sexually harassed and exploited her.

Counsel for the petitioner has vehemently contended that the incident pertains to the year 2014 but the FIR has been registered after an inordinate delay and that too on the basis of a complaint submitted in 'Sangat Darshan' by the complainant. Main contention of counsel for the petitioner is that a detailed inquiry had been conducted in the allegations of the complainant earlier and the petitioner was found innocent. Copy of the earlier inquiry report has been placed on record as annexure P-2. Relying upon the said report, the petitioner had been granted concession of interim bail with a direction to join investigation.

On the instructions of the investigating officer, DSP P.S. Gill, it has been informed that the petitioner has joined investigation and offered his voice samples.

With the assistance of State counsel, I have gone through the police file which reflects that another inquiry has been conducted by SP, Pathankot and a report has been prepared on May 13, 2016 wherein the allegations have been re-inquired into taking into consideration the statements of the witnesses and the telephonic conversation which is part of the record pertaining to May 6, 2014 at 7.30 p.m. for a duration of 18.47 minutes. A perusal of the police file also indicates that victim Ritu has on August 24, 2016 stated that the demand was made for a sum of Rs.50000/- and that the same has been paid to the petitioner through an official attached to him as a result of which the petitioner had given an inquiry report on May 15, 2014 in favour of her husband in case FIR No. 24 mentioned hereinabove and had implicated only the brother of wife of the complainant. In her statement she has specifically stated that she was called on telephone

by the petitioner at his house at 5.30 p.m. on May 7, 2014 where she was sexually exploited.

I have considered the contention of learned counsel for the petitioner that the second inquiry is contrary to the Rules and that on account of two contradictory opinion having been given by two authorities of similar status, prima facie it is a case where the false implication of the petitioner is indicated.

I have taken into consideration all the facts and circumstances of the case. No doubt the petitioner has joined investigation and given voice samples but taking into consideration the fact that the investigation is at initial stage, the reason or effect of the delay in registration of FIR cannot be taken into consideration. It will not be appropriate for this Court to enter into the niceties of the trial to appreciate the evidence regarding its admissibility, relevancy or probability. As chances of tampering with the evidence cannot be ruled out on account of the status of the petitioner, no ground is made out to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

Nothing said in this order will prejudice the rights of the petitioner to seek concession of regular bail in accordance with law.

Police file seen and returned.

September 23, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.