

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

CRM No. M-20975 of 2017 (O&M)

Date of Decision: 02.06.2017

Dharambir Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Shashi Bharat Bhushan, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 22.05.2017 (Annexure P-5) passed by the trial Court and in terms of which an application moved by the prosecution for the petitioner to give voice sample in case FIR No.26, dated 20.05.2016, under Sections 7/13 of the Prevention of Corruption Act, registered at Police Station S.V.B. Hisar has been allowed.

FIR in question came to be registered on the complaint of Surender Kumar. Apparently, an application moved by Surender Kumar regarding certain dispute had been marked to ASI Dharambir Singh i.e. the present petitioner, who was at the relevant point of time, posted at Police Station Barwala. Allegations are that a demand of illegal gratification of Rs.15,000/- had been made by the present petitioner in the capacity of a police official.

The prosecution moved an application dated 07.11.2016 (Annexure P-2) before the trial Court seeking voice sample of the

accused/petitioner on the ground that the complainant had produced a C.D. which contained the alleged conversation between the complainant and the accused with regard to demand of bribe.

It is such application which has been allowed and leading to the impugned order dated 22.05.2017 passed by learned Additional Sessions Judge, Hisar.

Counsel appearing for the petitioner would vehemently contend that there is no consent from the side of the petitioner and as such, he cannot forcibly be called upon to furnish his voice sample. That apart, it is contended that the C.D. in question is manipulated. Yet another submission raised is that in this case, as per prosecution, there is recovery of Rs.15,000/- which was the alleged bribe money and it is not a case where prosecution version hinges entirely only upon recorded conversation.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court does not find any basis that would warrant interference in the impugned order. The question as regards manipulation in C.D. would be established and determined only if the voice sample of the petitioner is taken and thereafter such voice sample along with C.D. is sent to the FSL for an expert opinion.

Even if there be any alleged recovery of bribe money, the expert opinion to be furnished by the FSL would certainly reflect upon the complicity of the present petitioner or otherwise in the alleged offence.

Counsel has not been able to advert to any provision in law which would constitute bar for the trial Court insofar as calling upon an accused to have his voice sample given in relation to an allegation of demand and acceptance of illegal gratification and a conversation in such

regard having allegedly been recorded.

No case for interference is made out.

Petition is dismissed.

02.06.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

- i) Whether speaking/reasoned? Yes
- ii) Whether reportable? Yes