

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5032 of 2017 (O&M)

Date of Decision: 28.03.2017

Anupreet Kaur

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.1 dated 27.1.2017 under sections 7, 8, 13 of Prevention of Corruption Act and sections 384, 120-B I.P.C., registered at Police Station, State Vigilance Bureau, Ambala, District Ambala.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Mastan Singh. Allegations against the present petitioner are of using her own daughter Harshdeep as also her friend Himanshi to extort money from Parminder Singh and Maninder Singh and with the connivance of certain police officials. Allegedly a demand of Rs.5 lacs was made by MHC Rajiv from the complainant and on the threat that in case such money is not paid then Parminder Singh and Maninder Singh would be implicated in a false case as regards rape and outraging the modesty of Harshdeep and Himanshi. Complainant alleges that a sum of Rs.50,000/- had been paid to the present petitioner in the presence of MHC Rajiv. There is also an allegation that a deal allegedly having been settled at Rs.4 lacs the present petitioner had

established telephonic contact with the complainant and demanded the balance amount of Rs.3.5 lacs.

Petitioner was arrested on 27.1.2017.

Learned State counsel, who is on instructions from Inspector Sanjeev, State Vigilance Bureau would vehemently oppose the present petition stating that the matter is still under investigation.

However, on a specific query having been put as regards stage of investigation, it is submitted that the statements of all the witnesses have been recorded and the final report under Section 173 Cr.P.C has not been submitted only for the reasons that the investigating agency is in possession of a recorded conversation between the complainant and the present petitioner but the requisite certificate from the Nodal Officer of the telecom companies concerned for adducing such evidence which is in electronic form as per Section 65-B of the Evidence Act, is still awaited. Learned State counsel submits that such certificate would be necessary for the recorded conversation to be a part and parcel of the challan document.

Counsel appearing for the petitioner would submit that apart from the present FIR the antecedents of the petitioner are clean and she is not involved in any other FIR. Such contention has not been rebutted by learned State counsel.

It is not the case made out on behalf of the State that the petitioner, if, granted the benefit of bail, would be in a position to hamper the course of a free and fair investigation in the matter.

Petitioner is a lady and who has already suffered incarceration for a period in excess of two months.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Ambala.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.03.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No