

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

**CRM-M-54692-2021
Date of Decision: 21st February, 2022**

Neelam Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ivneet Singh Pabla, Advocate, for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J. (Oral)

1. Due to Covid-19 situation, the Court is convened through video conference.
2. This petition is filed for grant of anticipatory bail in FIR No. 302, dated 25th September, 2021, under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station City, Thanesar, District Kurukshetra.
3. The FIR was at the instance of Jagjit Singh. As per the contents of the FIR, the marriage of the complainant was solemnized with Kanchan and the couple was blessed with two sons. The matrimonial relation faced rough weather. On 3rd July, 2021, wife of the complainant left the house. On 4th July, 2021, the complainant received a phone call from ASI Neelam Devi (petitioner), Women Police Station, Kurukshetra, informing him that his wife has filed a complaint. As per the allegations, during the proceedings in the Women Police Station, the petitioner informed that FIR No. 24, dated

9th September, 2021, was registered against the complainant and his mother and instead of paying Rs.50,000/- to the lawyer, he should pay Rs.30,000/- and she will arrange bail from the police station itself. The following day, she called the complainant on phone and demanded Rs.30,000/-, the conversation was record.

4. Learned counsel for the petitioner submits that it is a case of false implication, the petitioner was demanding money to give it to the spouse of the complainant. Further that she being an Investigating Officer in the case had no role for arranging bail for the complainant. Learned counsel for the petitioner contends that on 15th December, 2021 before the Additional District Judge, Kurukshetra, complainant stated that the petitioner never demanded illegal gratification for showing favour, the amount was actually demanded to be given to wife of the complainant.

5. Learned State counsel relies upon the pleadings of the status report and compliance report filed, to oppose the prayer. She submits that the petitioner was given notices under Section 41A of the CrPC, which were duly served on her husband but she never appeared in pursuance to the notices. Thereafter raids were conducted, the petitioner is absconding and she has been dismissed from service. It is argued that there are call details available from 8th December, 2021 and the petitioner has made at least 57 phone calls to the complainant. The contention is that she is delaying the investigation and influencing the complainant and resultantly the statement was made by the complainant. She informs the Court that considering the facts of the case, SIT has been formed and help of Cyber Cell is being taken

to locate the petitioner.

6. The petitioner was the investigating officer. As per the allegations, she demanded Rs.30,000/- for arranging bail of the complainant. It would not be appropriate at this stage to make comment upon the contention of the learned counsel for the petitioner that being an investigating officer had no role in so far as grant of bail is concerned. The petitioner being a part of the disciplinary force, had not responded to the notices issued under Section 41-A CrPC. The contention by the learned State counsel of having call details between the petitioner and the complainant coupled with the statement of the complainant, is an indicator that the petitioner by using her official capacity, is influencing the complainant.

7. Considering the facts and circumstances in totality, no case is made out for grant of anticipatory bail.

8. Dismissed.

(AVNEESH JHINGAN)
JUDGE

21st February, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**