

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-25203-2023 (O&M)

Reserved on: 05.09.2023

Pronounced on: 12.09.2023

Parveen Kaur

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. J.S. Toor, Advocate and
Mr. Adhiraj Toor, Advocate
for the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Pushpinder Kaushal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
366	20.11.2022	Derabassi, District SAS Nagar	7 read with Section 13(2) of the Prevention of Corruption Act

1. The petitioner, who is an Assistant Sub-Inspector of Police, apprehending arrest in the FIR captioned above, on the allegations of accepting a bribe, which was recorded on camera and the said video clip had gone viral on social media, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 29.08.2023, this Court had granted interim bail to the petitioner subject to her complying with the conditions, as mentioned therein.
3. Petitioner’s counsel states that all the conditions mentioned in the said order have been complied with in letter and spirit and they undertake to comply with the same throughout.
4. However, State's counsel opposes the bail and submits that the petitioner's

custodial interrogation is required considering the allegations.

5. Mr. Shiva Khurmi, Assistant Advocate General for the State of Punjab submits that there is a CCTV footage in which the petitioner - Parveen Kaur is clearly visible in her official uniform accepting bribe from the complainant. He further submits that the said video is a High Density video and the petitioner is clearly identifiable, sitting on a Sofa Set, whereas the complainant, who was standing, takes out the money from her purse and hands over the same to the petitioner, who is seen accepting it and putting it in her pocket. State's counsel further submits that he has instructions to submit that the petitioner and the complainant are clearly identifiable in said video and this video is neither *fake* nor tempered.

REASONING:

6. On 20.11.2022, the SHO of Police Station SAS Nagar registered the FIR, captioned above, after getting information of a viral video in which the accused-petitioner was seen receiving money from the complainant, on the pretext of making a site plan in the FIR registered under Section 376 IPC read with Section 328 IPC. The State conducted a high-level investigation. The investigator recorded the statement of complainant, in which she disclosed that she was the President of the Shiv Sena Women Wing and used to resolve people's disputes. The petitioner, the Investigating Officer in FIR No.115 dated 31.3.2022, was already paid Rs.10,000/-. Subsequently, she visited the complainant's house on the pretext of making the site plan and asked the complainant to switch off the cameras and after that, the petitioner demanded her fee, and Rs.25,000/- was given to her. The police also obtained a video recording of the said occurrence from the complainant. The investigator played that video, and he recognized the accused petitioner in the video. Needless to say that the complainant has a very shocking past of leveling allegations including registering false cases. However, that would not entitle the petitioner, who is a police officer, to start exploiting the complainant and take money, to impede the cause of justice by falsely implicating the innocent people. Given the statement of State's counsel about the *prima facie* authenticity of the video, in which the petitioner is seen accepting the bribe money, and there being no believable explanation why the money was handed over by the complainant to the petitioner, there is no reason to discard such an evidence at this stage. State is seeking custodial investigation of the petitioner to unearth the fake evidence collected, if any, in the said case, to implicate the accused for a very heinous offence and in other cases.

7. The petitioner seeks bail because the complainant's case is that the money exchange was recorded in CCTV footage, while from the DVR, the video recording could not be retrieved. However, in paragraphs 3 and 4 of the reply, it has been expressly stated that the face of the petitioner is clearly visible in the video, and the investigator in that case was the petitioner, who took money from the complainant. It has also been mentioned that FIR No.115 dated 31.3.2022 was registered under Section 376 read with Section 328 IPC against accused Hazi Nadeem Ahmed based on the statement of the complainant.

8. Petitioner's counsel sought bail also on the ground that, as per the Forensic Laboratory report, the DVR from which the video was allegedly copied did not have any such recording.

9. A perusal of page 15 of the reply dated 28.8.2023 filed by the State refers to a report of the Central Forensic Science Laboratory, the results of the examination of which are extracted as under: -

- “i. The exhibit-HD/1 is not accessible/detected with the DVR forensic tools i.e., MD-Video and HX Recovery, etc. available in the laboratory.
- II. The exhibit HD/1 is also not accessible with the exhibit DVR/1.
- iii. Hence, CCTV footages could not be retrieved from the exhibit HD/1 of exhibit DVR/1 for further analysis.”

10. Although the footage is not available in the DVR, it is not the case of the petitioner that her face was superimposed on another woman's face to show her taking a bribe.

11. The petitioner's counsel further argued that complainant has several criminal antecedents; she knows how to trap innocent people and is not uncomfortable with the police. This Court had directed the State to give details of FIRs/cases registered against her to verify this fact. As per the State, eight more FIRs have been registered against her, and one case was registered at her instance against Hazi Nadeem Ahmed. Per serial No.9 of Annexure R7/T, it has been mentioned that FIR No.115 dated 31.3.2022 under Sections 328 and 376 IPC has been canceled, and Section 384 has been added against the complainant. In addition, on the query from the Court, the State mentioned a list of twelve complaints filed against her by various people. In addition, four complaints were also filed by her against various other people, including one SHO. In the present case, the complainant had not informed the police that the petitioner was demanding the bribe. Still, the prosecution's case is that a video had gone viral on

social media. When they investigated this, they came to identify the petitioner as the person who was the recipient of the money.

12. The petitioner was the investigator in a very heinous offence involving Sections 376 and 328 IPC. She was allegedly accepting money from the complainant's hands, whose version the police did not find truthful and absolved the accused and instead, launched proceeding against her. The petitioner's conduct is so devastating that it can shake the faith of ordinary people and society, not only in the investigating agency but also in how some unethical people misuse penal provisions.

13. Thus, given the allegations against the petitioner, her custodial interrogation is required. An analysis of the allegations and evidence collected does not call for the grant of bail to the petitioner. The conduct of the complainant is also highly deplorable. And in case the video had not been circulated on social media, none would have come to know about this clandestine deal between the petitioner and the complainant.

14. After a careful analysis of the nature of the allegations and the statement of State's counsel about the identification of the petitioner as well as the complainant in the video in which she is seen accepting the bribe money, coupled with the fact that the accused in the said case was exonerated after investigation, would show that unethical and corrupt officers, like the petitioner, who are not only doing injustice to innocent people but also doing injustice to their jobs. Although the petitioner is a woman, but considering the serious nature of the allegations leveled against her, even this factor is not sufficient to grant bail to her.

15. Considering the entirety of facts, and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner does not make out a case for bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed. Interim orders, if any, stand vacated. All pending applications, if any, also stand disposed of.

(ANOOP CHITKARA)
JUDGE

September 12, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No