

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-57192-2023 (O&M)
Reserved on: 21.11.2023
Pronounced on: 22.11.2023

Shobha Rani

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. J.S. Bedi, Advocate
 for the petitioner(s).

 Mr. Ravinder Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	19.7.2023	Vigilance Bureau, Range Amritsar, District Amritsar	7 of the Prevention of Corruption Act, 1988, as amended vide the Prevention of Corruption (Amendment) Act 2018

1. The petitioner who is a woman and posted as Reader to SDM concerned, apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 7 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner's counsel submits that all the conditions put in the interim order have been complied with in letter and spirit. He has argued that the concerned SDM vide order dated 6.7.2023, had already forwarded the file to the office of DC, Tarn Taran. On that day, even the candidate was also present. Once the file was forwarded on 6.7.2023, the question of demanding bribe does not arise.

4. State's counsel opposes the bail. He has further submitted that there is an audio recording in which the main accused is stated to be claiming that the petitioner was demanding bribe from the complainant.

5. Case of the prosecution is being taken from the reply filed by way of affidavit dated 20.11.2023 of DySP, Vigilance Bureau, Tarn Taran, which reads as under:-

"3. That the brief and relevant facts of the case are that the aforesaid FIR No. 22 dated 19.07.2023 was registered on the statement of Jagroop Singh Sandhu son of Gurmukh Singh resident of village Margindpura, Tehsil Patti, District Tarn Taran, recorded by the deponent, who had alleged in his aforesaid statement that he had applied for his appointment as a Numbardar of the village Margindpur, Tehsil Patti, District Tarn Taran on account of death of his grandfather namely Madha Singh Numberdar, in the office of the Tehsildar, Patti and his file was further forwarded to the office of the S.D.M, Patti for approval, which was pending for approval in the aforesaid office but the matter was repeatedly adjourned. He further alleged that the Reader of S.D.M, Patti namely Sobha Rani (petitioner) demanded Rs. 15,000/- as bribe from him and asked him to meet Sukhdev Singh @ Sukhdev Singh Sewadarto settle the matter with him and when he met him (Sukhdev Singh @ Sukhdev Singh Sewadar), he asked to meet him at about 9:00 AM in his office on 17.07.2023. He further alleged that during that meeting, Sukhdev Singh @ Sukhdev Singh Sewadar asked him to pay Rs. 12,000/- as bribe to him on 19.07.2023 for further payment to the petitioner, who was working as a Reader of S.D.M, Patti, who, according to Sukhdev Singh @ Sukhdev Singh Sewadar, was demanding Rs. 15,000/- for the approval of his file for appointment as a Numbardar. He further alleged that he made a false promise with Sukhdev Singh @ Sukhdev Singh Sewadar to pay Rs. 10,000/- to him so that he could be apprehended red handed while accepting bribe and demanded appropriate legal action against the aforesaid Sukhdev Singh @ Sukhdev Singh Sewadar and the petitioner. The complainant also presented a pen drive containing audio recording of conversation between him and Sukhdev Singh @ Sukhdev Singh Sewadar along with Rs. 10,000/- in cash i.e., 20 currency notes of Rs. 500/- each, for using the same during the trap for the red handed arrest of Sukhdev Singh @ Sukhdev Singh Sewadar, before the deponent, which were taken into Police possession vide presentation memo dated 19.07.2023. The detailed facts mentioned by him in his aforesaid statement have been reproduced in the true translation of the FIR No. 22 dated 19.07.2023 attached with the petition as Annexure P-1, which may kindly be read as a part of the present paragraph as same are not repeated for the sake of brevity.

4. That after the registration of the FIR in question, the deponent arrested the co-accused Sukhdev Singh @ Sukhdev Singh Sewadar from the premises of the office of S.D.M, Patti, District Tarn Taran after he was taken into custody by laying a trap by the deponent after receiving the bribe amount of Rs. 10,000/- from the complainant in the presence official/ shadow witnesses namely Harinder Pal Singh, Head Master, Govt. High School, Burj Rai ke, District Tarn Taran and Sh. Mangat Singh, Principal, Govt. Girls Senior Secondary School, Chabhal, District Tarn Taran. The bribe money i.e., Rs. 10,000/- in the shape of 20 currency notes of Rs. 500/- each, smeared with phenolphthalein powder were recovered from the pockets of aforesaid Sukhdev Singh @ Sukhdev Singh Sewadar i.e., 14 currency notes of 500 each from the front left pocket and 6 currency notes of Rs. 500 each from the back left pocket of his Pant, by the deponent in the presence of the

aforesaid official/shadow witness and the series numbers of recovered currency notes were matched with the list (prepared before conducting the raid in his office by the deponent) by the official witness Sh. Mangat Singh. The recovered currency notes of Rs. 10,000/- i.e., bribe money, along with the Pant of Sukhdev Singh @ Sukhdev Singh Sewadar were taken into Police possession vide separate recovery memos by the deponent as per the procedure and he was arrested vide arrest memo dated 19.07.2023.

5. That during his custodial interrogation, Sukhdev Singh @ Sukhdev Singh Sewadar suffered a disclosure statement dated 19.07.2023 disclosing therein that he had received the aforesaid bribe amount of Rs. 10,000/- from the complainant Jagroop Singh on behalf of petitioner at her instance for forwarding the case file of the complainant further after completing the required proceedings at his office. He further disclosed that he had to give Rs. 7,000/- to the petitioner and keep the remaining amount of Rs. 3,000/- as his share as per the settlement between them.

6. That on 27.07.2023, the statement of the complainant Jagroop Singh was recorded under section 164 Cr.P.C. by the learned Chief Judicial Magistrate, Tarn Taran, whereby, he reiterated the same facts as stated by him in his statement on 19.07.2023 before the deponent and further relating to the recovery of the bribe amount of Rs. 10,000/- from Sukhdev Singh @ Sukhdev Singh Sewadar and his arrest in the case.

7. That an application for obtaining the voice sample of the accused Sukhdev Singh @ Sukhdev Singh Sewadar in the presence of learned Judicial Magistrate First Class, SAS Nagar was allowed by the learned Special Judge, Tarn Taran vide order dated 08.11.2023 for comparison with the audio recording of the conversation between him and the complainant at the Forensic Science Laboratory, Punjab, Mohali but Sukhdev Singh Sukhdev Singh Sewadar did not appear at Forensic Science Laboratory, Punjab, Mohali for giving/recording of his voice samples.

8. That vide letter No. 8898-890/S.A-1 dated 06.10.2023, a request has been forwarded to the Deputy Commissioner, Tarn Taran for the grant of sanction for prosecution of the co-accused Sukhdev Singh @ Sukhdev Singh Sewadar envisaged under section 19 of the Prevention of Corruption Act, 1988, which is awaited and will be submitted in the court of learned Special Judge, Tarn Taran after its receipt.

9. That an Investigation Report/Challan under section 173 Cr.P.C. has been submitted in the court of learned Special Judge, Tarn Taran against Sukhdev Singh @ Sukhdev Singh Sewadar on 15.09.2023. A total of number of 18 prosecution witnesses have been cited in the aforesaid investigation report/challan. The learned Special Judge, Tarn Taran has not yet framed Charges against him. Now the next date of hearing is fixed for 23.11.2023 by the learned trial court for appearance of the co-accused and consideration on framing of Charges against him.

10. That it is humbly submitted that at the time of submission of an Investigation Report/Challan under section 173 Cr.P.C. against co-accused Sukhdev Singh @ Sukhdev Singh Sewadar, the learned Special Judge, Tarn Taran accepted the aforesaid Investigation Report/Challan by issuing directions to the Vigilance Bureau, Range Amritsar to conclude the investigation qua the petitioner within 10 days from 15.09.2023 by passing an order dated 15.09.2023, which is reproduced for the kind perusal of this Hon'ble court as under:-

"Resubmitted with assurance to conclude investigation qua Sobha Rani within 10 days from today. Therefore, let the challan be checked and report be made."

11. That a Supplementary statement of the Complainant Jagroop Singh has been recorded on 23.09.2023 in which he again reiterated his allegations

against the petitioner. Thereafter, the petitioner was nominated as co-accused in the present case vide G.D No11 dated 23.09.2023.

12. That it is humbly submitted that the role of the petitioner is that the petitioner as Reader of S.D.M, Patti demanded Rs. 15,000/- as bribe from complainant and asked the complainant to meet Sukhdev Singh @ Sukhdev Singh Sewadar to settle the matter with him for the approval of his file for appointment as a Numbardar which is pending in the office of the Tehsildar, Patti.

13. That it is humbly submitted that the statement of the complainant Jagroop Singh under section 164 Cr.P.C. and disclosure statement dated 19.07.2023 suffered by co-accused Sukhdev Singh @ Sukhdev Singh Sewadar disclosing therein that he had received the aforesaid bribe amount of Rs. 10,000/- from the complainant Jagroop Singh on behalf of petitioner at her instance and a Supplementary statement of the Complainant Jagroop Singh prima facie shows connivance and involvement of the petitioner being a Reader of S.D.M, Patti, District Tarn Taran in respect of demand of bribe of Rs. 15,000/- by the petitioner.”

6. A perusal of the reply reveals that the alleged bribe was demanded on 17.7.2023 and on that day, Sukhdev Singh @ Sukhdev Singh Sewadar had asked the complainant to pay a sum of Rs.12,000/- to him and on 19.7.2023, for further payment to the petitioner, who was working as Reader to SDM, Patti. According to Sukhdev Singh, the petitioner was demanding bribe of Rs.15,000/- (for approval of his files for appointment as Numberdar.) After that, the complainant informed the police about the demand of bribe, trap was laid and Sukhdev Singh was apprehended and currency notes of Rs.10,000/- were recovered from him. On 19.7.2023. Sukhdev Singh, in his statement, attributed the money to the petitioner and stated that a sum of Rs.15,000/- was demanded and paid to the petitioner.

7. It remains undisputed that the concerned SDM had already passed the order on 6.7.2023, i.e. prior to the alleged demand for bribe. Furthermore, at the time of filing the final report under Section 173 CrPC, the petitioner was put in column no.2 and was cited as witness no.12 and it was later on that she was roped in as accused. As far as the argument raised on behalf of the State, is concerned, that there is an audio recording in which the main accused is claiming that the petitioner is demanding bribe, it is clear that the audio recording is not of the petitioner but someone else is talking about share of the petitioner. As such, considering the quality of such evidence against the petitioner, this Court is not inclined to deny bail to her on such basis.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above as well as the fact that bribe was never paid to the petitioner who is a woman, there is no need for pre-trial incarceration of the petitioner.

9. Accordingly, the present petition is allowed and the interim order is made

absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

November 22, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No