

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

**CRM-M-35065 of 2018 (O&M)
Date of decision: 23rd August, 2023**

Raka Ghirra

Petitioner

Versus

Central Bureau of Investigation through Superintendent of Police and
another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Chaudhari, Senior Advocate with
Mr. Parvez Chaudhari and Ms. Hargun Sandhu,
Advocates for the petitioner.
Ms. Shubra Singh, Standing Counsel for CBI.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of order dated 2.8.2018 in case of CNR No. CHCH01-006431-2012 FIR No. RCCHG2011A0016 dated 24.7.2011, under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short, 'the Act') and Section 120-B IPC, registered at Police Station CBI, ACB, Chandigarh whereby the application of the petitioner to exclude the evidence of her voice sample was rejected.
2. The brief facts are that the petitioner is an accused in a case registered under the Act. As per the case of the petitioner during her police custody, a voice sample was taken in violation of statutory procedure and the same is intended to be used against her. The application was filed at the stage of recording statement under Section 313 Cr.P.C. for exclusion of evidence of voice sample. The application was rejected holding that worth of the evidence shall be considered during the course of trial at the stage of final arguments.

3. Learned senior counsel for the petitioner after arguing at some length is not pressing the present petition and the only grievance raised is that the court has made observations on the merits of the objection raised by the petitioner.
4. Learned counsel for the CBI submits that the contentions raised in the application have not been dealt with on merits and the issue has been kept open.
5. In view of the restricted prayer and perusing the impugned order, the petition is disposed of as not pressed. It is clarified that any observations made vis-a-vis the merits of the objection raised in the application shall not be construed as an opinion on merits by the court.
6. Needless to say that the petitioner shall be at liberty to raise the issues raised in the application at an appropriate stage during trial.

[AVNEESH JHINGAN]

JUDGE

23rd August, 2023

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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No