



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

CRM-M No.40328 of 2024

Date of decision: 1st October, 2024

Seema Sharma @ Seema @ Seema Devi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ishan Gupta, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 482 BNSS in case FIR No.11 dated 13.06.2024 under Section 7 of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 (hereinafter referred to as, 'the Act') registered at Police Station Vigilance Bureau Range Jalandhar, District Jalandhar.

2. Learned counsel for the petitioner submits that as per allegations levelled in the FIR, annexed as Annexure P-1, on 18.12.2023, when the complainant visited the Regional Passport Office, Jalandhar to apply for the passports of her children, the petitioner met her and demanded a bribe of ₹40,000/- for processing the passports, which was later settled at ₹30,000/-. Learned counsel has argued that the

falsity of the allegations levelled against the petitioner is apparent from the fact that on 25.01.2024, the Vigilance Bureau, acting on the complaint made by the complainant, laid a trap to apprehend the petitioner, which ultimately failed, as the petitioner neither demanded nor accepted any illegal gratification. Additionally, it has been submitted that the petitioner was just working as a Data Entry Operator in the Regional Passport Office, and hence, she could not have been of any use to the complainant to get the process expedited. Furthermore, on 22.03.2024, unbeknownst to the petitioner, the complainant intentionally transferred ₹10,000/- to the account of the petitioner, which the petitioner promptly returned on 17.05.2024, upon becoming aware of the transactions. Furthermore, learned counsel has pointed out that there was an abnormal delay of more than 8 months in the registration of the complaint on 16.03.2024, despite the alleged incident having occurred on 18.10.2023. It has been argued that since the case of the prosecution hinges primarily on documentary evidence, the custodial interrogation of the petitioner would not be necessitated nor warranted, and as such, she be granted the concession of anticipatory bail.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by the learned State counsel that the petitioner, while serving as a Data Entry Operator at the Regional Passport Office, Jalandhar, abused her position by demanding a bribe of ₹30,000/- from the complainant. Furthermore, the complainant had recorded a conversation

with the petitioner regarding demand of bribe. In support, learned State counsel has drawn the attention of this Court to the transcript of the said conversation between the petitioner and the complainant, which has been annexed as Annexure R-3. Additionally, the learned State counsel has submitted that the money transaction amounting to ₹10,000/- made by the complainant to the petitioner via Paytm stands documented and finds due corroboration by the bank account details of the petitioner.

4. I have heard learned counsel for the parties and perused the relevant material on record including the FIR (Annexure P-1).

5. As per allegations levelled in the FIR annexed as Annexure P-1, on 18.10.2023, the petitioner demanded a bribe of ₹40,000/- from the complainant for processing the passports of her two children. Petitioner also provided her mobile number and told the complainant that since both she and the complainant belonged to the same community, she would prioritize the work of the complainant. After a telephonic conversation, the petitioner reduced the demand of bribe to ₹30,000/-. The daughter of the complainant recorded the conversation, in which the petitioner lowered the bribe amount to ₹30,000/-. Subsequently, on 22.03.2024, petitioner allegedly sent a Google pay barcode to the complainant, asking her to transfer ₹30,000/-. The complainant then transferred ₹10,000/- to the petitioner through Paytm. Despite this payment, the petitioner allegedly continued to demand the remaining amount of ₹20,000/-. Petitioner allegedly called the complainant multiple times, insisting on the payment of remaining

₹20,000/-. She directed the complainant to deposit the money in the bank or bring it to the Passport Office. The complainant while making the complaint, produced a recorded conversation and WhatsApp messages between her and the petitioner, and also the transfer of ₹10,000/- through Paytm.

6. Prima facie, thus, there are serious and grave allegations against the petitioner, specifically with regard to the demand of bribe of ₹30,000/- and the receipt of ₹10,000/- through her bank account. In the light of the gravity of the allegations levelled, coupled with the submissions made by the State regarding the material collected so far against the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

7. The petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 1, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No