

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M NO.31858 of 2011 (O&M)

Date of decision: 31.10.2011

Sumitra Verma

.... Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present:- Mr. JS Bedi, Advocate for the petitioner.

Mr. Manmohan Sikka, DAG, Haryana.

Ajay Tewari, J.(Oral)

This petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.382 dated 17.09.2011, registered under Section 7 of the Prevention of Corruption Act, Police Station Ambala City, District Ambala.

On 19.10.2011, the following contention was noticed:-

“Counsel for the petitioner has argued that in the first instance, no ingredients of Section 7 or 13 of the Prevention of Corruption Act have been made out against the petitioner. Apart from that, a similar sting operation was conducted against the Drug Controller against whom also one inculpatory CD was prepared but no action was taken against

him. He has further argued that the petitioner has no role to play in the grant of the licence.”

Learned Deputy Advocate General on instructions from ASP Raj Kumar states that as far as investigation is concerned, the Police does not require the custody of the petitioner but only her voice sample is required so that the same can be matched. He further states that no action has been taken against him.

I find, this selective approach disturbing and far from satisfactory since as per the statement of learned Deputy Advocate General, custody is not required but only her voice sample is required.

In this view of the matter, I deem it appropriate to grant the concession of anticipatory bail to the petitioner. Let the petitioner appear before the Investigating Officer on 09.11.2011 between 10:00 AM and 4:00 PM and on any other date on which her presence is required by the Investigating Officer. The Investigating Officer shall release him on bail to his satisfaction subject to the conditions laid down in Section 438 (2) Cr.P.C.

The present petition is allowed.

Copy of this order be sent to the Director General of Police, Vigilance Bureau for his perusal and take necessary action, if any.

(AJAY TEWARI)
JUDGE

31.10.2011
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