

**FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)**

1. **District:** STATE VIG. BUREAU PS: SVB Hisar **Year:** 2016 **FIR No:** 10 **Date:** 29.01.2016

2. **Act(s):** **Section(s)**
(i) PREVENTION OF CORRUPTION ACT 1988 7/13(1) D
(ii)
(iii)
(iv)

3. **Occurrence of Offence:**

(a) **Day:** Friday **Date From:** 29.01.2016 **Date To:** 29.01.2016
Time Period: **Time From:** **Time To:**
(b) **Information received at P.S:** **Date:** 29.01.2016 **Time:** 18.05 hrs
(c) **General Diary Reference:** **Entry No.:** 14 **Time:** 18.05 hrs

4. Type of Information: WRITTEN

5. **Place of Occurrence:**

(a) **Direction and Distance from P.S** NORTH/50 KM **Beat No.:** 01
(b) **Address:** Area Of Distt. Hisar, UKLANA
(c) **In case, Outside the limit of the Police Station:**
Name of P.S: SVB (H) Hisar **District:** Hisar

6. **Complainant/Informant:**

(a) **Name:-** DSP SHREEF SINGH SVB HISAR
(b) **Birth year:** **Nationality:** INDIAN
(c) **Passport No.** **Date of issue:** **Place of Issue:**
(d) **Occupation:**
(e) **Address:**

7. **Details of known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary):**

(i) NARESH SELWAL THE THEN MLA

8. **Total value of property stolen:**

9. **Particulars of the properties stolen/involved(attach separate sheet if necessary):**

10. **Total value of property stolen:**

11. **Inquest Report/U.D Case No., if any**

12. **F.I.R Contents (attach separate sheet, if**

13. To The Station House Officer, Police Station- State Vigilance Bureau, Hisar Range, Hisar. On 27.1.20016, a letter bearing office Memo. No. 30/1/2016-3 Pol. dated 27/01/2016 alongwith the order dated 16.12.2015 passed by the Hon'ble Lokayukta, Haryana, in complaints no.44 to 47 and 80 of 2014, was received from the Chief Secretary to Govt. Of Haryana, Political and Parliamentary Affairs Department in the office of Director General, State Vigilance Bureau, Haryana, Panchkula. The complaint No. 80 of 2014 pertaining to Sh. Naresh Selwal, the then MLA has been forwarded to SP/SVB/Hisar vide endst. No.4-5/i-4/SVB. dated 28/01/2016. The SP/SVB/Hisar further forwarded the matter to Sh. Sharif Singh, DSP, SVB, Hisar, for necessary action. The perusal of the said order dated 16/12/2015 reveals that Sh. Pardeep Chaudhary submitted a memorandum along with CD and also transcript of CD in Hindi as well as pen drive containing

conversation between Sh. Naresh Selwal and Sh. Dharmender Kuhar (Sting Operator) at his residence at Uklana, to the Ld. Lokayukta, Haryana, in which allegations of corruption were levelled against Sh. Naresh Selwal, MLA. The allegations of the memorandum are that Sh. Naresh Selwal being public servant demanded money to extend favour for obtaining change of land use permission illegally and thereby abused his position as such to obtain undue gain for himself and other public servants and was actuated in discharge of his functions as a public servant by personal interest and corrupt motives. On the basis of the said Memorandum, complaint bearing No. 80 of 2014 was registered in the office of learned Lokayukta, Haryana. Taking into consideration the allegations of the said memorandum and after getting preliminary enquiry conducted, the Ld. Lokayukta, Haryana, vide his order dated 01.10.2014 assigned the inquiry of complaint to Sh. V. Kamaraja, IPS, the then Additional Director General of Police, Operations, Panchkula. Operative part of the order dated 01.10.2014 is reads as under:-*“ Now, by exercising powers under Sections 14, 20, Rule 7, 13 and 15 of the Act, these complaints are assigned to Shri V. Kamaraja, IPS, Additional Director General of Police, Operations, Panchkula, who enjoys the reputation of having an impeccable integrity in the police department of Haryana, to enquire and investigate into the allegations against the public servants / respondents and for matters connected therewith, as they are shown to have committed the acts of corruption as defined under Section 7 of the Prevention of Corruption Act, 1988. The above enquiry officer is further authorized under Section 14 of the Act to constitute his own S.I.T. for the purpose of investigations and to obtain the opinion of Government Forensic Science Laboratory (FSL) / Central Forensic Science Laboratory (CFSL), as he deems fit, in order to arrive at a right conclusion.”*After receiving the communication of the above said order from the office of learned Lokayukta, Haryana, Sh. V. Kamaraja, IPS constituted a Special Investigating Team (SIT) to enquire into the allegations levelled in complaint No. 47 of 2014 so as to ascertain whether the contents of the CD attached with the complaint of which a Hindi transcript was also attached with the complaint, is tampered or not. During enquiry, statements of witnesses were recorded and documents/electronic gadgets produced by the complainant were taken on record. To authenticate the data in the CD and to ensure that the data is not tampered / doctored with, the same were sent to CFSL, Hyderabad. CFSL, Hyderabad had given its expert opinion on a few questions, however, as the facility to compare and authenticate the voice files present in the CDs were not available at CFSL, Hyderabad, so the same documents/electronic gadgets used in the process of making CD of sting operation were sent to CFSL, Chandigarh. The SIT has also taken voice samples of Sh. Dharmender Kuhar, who had conducted the sting operation with the help of FSL, Haryana at Madhuban Karnal to match it with the voice contained in the CDs produced by the complainant. However, Sh. Naresh Selwal had not given his voice samples for matching. As per the report of CFSL, Chandigarh on the basis of auditory and spectrographic analysis of audio contents and frame by frame analysis of video contents no signs of tampering could be found in the portion of audio video recording present in the file. Sh. V. Kamaraja, IPS concluded his report as under:-***“1.The authenticity was proved as the CD had not been tampered with.2. The source from which it was recorded was also proved.3. The voice of the speaker, who had conducted the ‘Sting Operation’, was also proved to be the voice of the same person.All the above have been established by the report of the experts of the Central Forensic Science Laboratory, Chandigarh.12. As per section 7 of the Prevention of Corruption Act 1988 “ a mere demand or solicitation amounts to an offence (Mubarak Ali Vs. State, AIR 1958 MP 157) and it is not necessary that the act is actually performed. A representation by a public servant that he has done or he will do an act, impliedly includes a representation that it was or is within his power to do that act (inder Dayaldas Advani Vs. State of Bombay, AIR 1952, Bom 58)”***.13. *The contents of the CD which contains the Hindi transcript is attached. The prima facie suggestion that arises is that the purpose of the meeting was to get the file for change of land use*

approved. There was direct conversation between Sh. Naresh Selwal (respondent) and Dharmender Kuhar (sting operator) at the same place. The direct demand and agreement to accept on the part of the respondent is clearly established in the conversation and there was no overt act by the respondent, as is evidence from the data in the CD. In this view of the above, a prima facie case is made out and it is recommended that a criminal case under sections 7 & 13 of 'Prevention of Corruption Act, 1988' may be registered and investigated against Sh. Naresh Selwal, for the offence committed." After receipt of enquiry report from Sh. V. Kamaraja, IPS, the then ADGP, Operations, learned Lokayukta, Haryana considering the entire material brought on record as well as the detailed enquiry reports, transcripts of the CD and after providing opportunity of hearing to the parties, came to the conclusion that there was a direct conversation between Sh. Naresh Selwal, the then MLA with Sh. Dharmender Kuhar at the same place and the direct demand and agreement to accept on the part of Sh. Naresh Selwal is clearly established in the conversation and there was no overt act on the part of Sh. Naresh Selwal. The learned Lokayukta, vide order dated 16.12.2015 recommended to the competent authority for registration of criminal case for commission of offence punishable under the Prevention of Corruption Act, 1988 against said Sh. Naresh Selwal and thereafter to depute a senior competent Police Officer enjoying the reputation of having an impeccable integrity to investigate the case expeditiously on all counts of allegations of corruption as mentioned in the complaint. From perusal of enquiry report, the incriminating evidence produced on record by the complainant and the recommendations of the learned Lokayukta, Haryana, a prima facie case is made out against Sh. Naresh Selwal for the offences punishable under Sections 7 and 13(1)(d) of the Prevention of Corruption Act, 1988 by making demand of money for extending favour in getting the requisite permission for change of land use and thereby abusing his position as such to obtain undue gain for himself and other public servants and was actuated in discharge of his functions as a public servant by personal interest and corrupt motives. **Sd Shareef Singh DSP SVB Hisar dt 29.1.2016 अज थाना:- हस्ब आमद तहरीर बाला पर मुकदमा हजा बा जुर्म मजकुर दर्ज रजिस्टर किया जाकर नकल मिशल पुलिस मय असल तहरीर हवाले आत्माराम उप पुलिस अधीक्षक रा.चौ.ब्यूरो हिसार की गई नकुलात FIR बतौर स्पेशल रिपोर्ट बदस्त स्पेशल वाहक ASI सुरेश चन्द्र4/17 ईलाका मैजिस्ट्रेट हिसार वा पुलिस अधीक्षक हिसार के पास भेजी जा रही है । रही है ।**

Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

- | | |
|--------------------------------------------------------------|-----------------------------------------------|
| (i) Registered the case and took up the investigation | OR |
| (ii) Directed (Name of the I.O.): ATAMA RAM
No DSP/SVB | Rank: DSP
to take up the investigation, OR |
| (iii) Refused investigation due to: | OR |
| (iv) Transferred to P.S.(name):
On point of jurisdiction: | District: |

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost:

R.O.A.C.:

**14.
Signature/Thumb Impression
Of The Complainant/Informant:**

**Signature of Officer
Name Devi Lal
Rank Insp No G/119**

15 **Date and Time of dispatch to the court:** at