To DG/SVB/PKL   No 559/SVB/GGN dt 08-02-2016

प्रथम सूचना रिपोर्ट

1.जिला गुडगांव थाना SVB वर्ष 2016 प्र.सू.रि.स 03 दिनांक 29.01.2016

2.अधिनियम पी.सी एक्ट धाराएं 7,13(1)D PC ACT

अन्य अधिनियम एंव धाराएं —

(क) घटना का दिन Complaint No. 44 of 2014 दिनांक से दिनांक

(ख) थाने पर प्राप्त सूचना दिनांक 29.01.2016 समय 05.00 पी.एम

(ग) (रोजनामचा संदर्भ) (प्राविष्टि संख्या) 14 समय 05.10 पी.एम

4.(सूचना कैसे प्राप्त हुई)— By Inspector Krishan Kumar, बजरिया स्पैशल मैसेंजर (लिखित/मौखिक) : लिखित

5. घटना स्थन का ब्यौरा (क) (थाने से दिशा एंव दूरी) जानिब दक्षिण—पश्चिम लगभग 110 कि0मी0

(ख) पता :

(ग) (यदि इस थाने की सीमा से बाहर हो, तब उस) (उस थाने का नाम)— City NNL Distt. Mahandergarh.

6. (शिकायतकर्ता/इतला देने वाला) :— कृष्ण कुमार निरीक्षक PS/SVB/GGN Complaint No. 44 of 2014 पर दर्ज

(क) नाम : (ख) (पिता/पति का नाम)

(ग) (जन्म तिथि) (घ) (राष्ट्रीयता) भारतीय

(ड) पासपोर्ट सं0

(जारी करने की तिथि) (जारी करने का स्थान)

(च) (व्यवसाय) Govt Service (पता) PS/SVB/Gurgaon

7. (ज्ञात/संदिग्ध/अज्ञात अभियुक्तों का पूर्ण विवरण)

1. Rao Narender Singh Ex. MLA the then Minister Haryana Govt.

इस समय एक तहरीर अग्रेजी हस्ताक्षरी निरीक्षक कृष्ण कुमार PS/SVB/Gurgaon थाना हजा में प्राप्त हुई, जिसका विषय इस प्रकार से है, '' To, The Station House Officer, Police Station- State Vigilance Bureau, Gurgaon Range, Gurgaon. On 27.1.2016, 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. 44 of 2014 pertaining to Sh. Rao Narender Singh has been forwarded to DIG/SVB/Gurgaon vide endst. No. 4-5/1-4 SVB dated 28.01.2016. The DIG/SVB/Gurgaon 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.

Rampal Majra submitted a memorandum along with CD and also transcript of CD in Hindi as well as pen drive containing conversation between Sh. Rao Narender Singh and Sh. Dharmender Kuhar (Sting Operator) at his residence at Narnaul, to the Ld. Lokayukta, Haryana, in which allegations of corruption were levelled against Sh. Rao Narender Singh, MLA, the then Minister Haryana Govt. The allegations of the memorandum are that Sh. Rao Narender Singh 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. 44 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. Rao Narender Singh 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 Mr. Rao Narender Singh (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 Mr. Rao Narender Singh, 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. Rao Narender Singh, the then MLA with Sh. Dharmender Kuhar at the same place and the direct demand and agreement to accept on the part of Sh. Rao Narender Singh is clearly established in the conversation and there was no overt act on the part of Sh. Rao Narender Singh. 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. Rao Narender Singh 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. Rao Narender Singh 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. हस्ताः अग्रेजी Krishan Kumar Inspector Station House Officer, S.V.B. Gurgaon Dated 29.01.2016" अज थाना :– आमदा तहरीर पर मुकदमा हजा बा जुर्म मजकूर दर्ज रजिस्टर किया गया। FIR की पांच प्रतियां बजरिया कार्बन एक ही समय में चाक की गई, जो सेवा में अफसरानबाला व डियुटी/ईलाका मजिस्ट्रेट नारनौल नियमानुसार भेजी जाएगी। स्पैशल रिपोर्ट बजरिया डाक ~~स्पैशल~~ ईलाका मजिस्ट्रेट साहब नारनौल भेजी जाएगी। मुकदमा हजा की आगामी तफतीश अफसरानबाला के आदेशानुसार DSP Sh. Jaivir Singh PS/SVB/GGN को दी जाएगी। आमदा तहरीर मय असल जांच रिकार्ड भी DSP Jaivir Singh को दी जा रही है।

POLICE STATION
थाना
Range Gurgaon

हस्ता अग्रेंजी/– जितेन्द्र कुमार
थाना प्रभारी का नाम
नाम : जितेन्द्र कुमार
पद : निरीक्षक
सख्यां : H/77
दिनांक 29.01.2016

Attested

निरीक्षक
चौकसी ब्यूरो (ह०)
गुड़गांवा मण्डल गुड़गांवा