

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

**CRM No. 480 of 2015 in/and
CRM-M No. 16825 of 2014(O&M)
Date of Decision : 12.02.2015**

Sadhu Singh Randhawa

.....Petitioner

Versus

State of Punjb and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Mansur Ali, Advocate
for the petitioner.

Mr.Deepak Garg, AAG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CRM No.480 of 2015

This is an application for hearing the main case. For the reasons recorded, the application is allowed and the case is taken up for hearing. .

CRM-M No. 16825 of 2014

This petition has been filed for quashing the FIR No. 279 dated 16.07.2011. under section 420 IPC(Sections 406,120-B IPC added later on) and Section 8/9 of the Prevention of Corruption Act, 1988, registered at Police Station City Sangrur, District Sangrur and the subsequent chargesheet.

The argument is that though further proceedings were stayed but the petitioner is retiring on 31.03.2015 and in that event if his case is not decided he would lose his retiral benefits. The sanction was refused because despite various reminders the police did not send copy of the inquiry report to the department.

Learned AAG has accepted the factual assertion made above. The issue, therefore, survives is whether for the same transaction first the police can seek sanction to prosecute under the Prevention of Corruption Act and once sanction is refused, to change track and seek to prosecute the petitioner under Sections 420 and 120-B IPC after obtaining fresh sanction under Section 197 of the Cr.P.C. more so when the other alleged conspirators have been acquitted. Learned AAG is not in a position to deny that the case against the petitioner and the other co-accused was identical and that those other accused have been acquitted.

In this view of the matter when there is no difference in the evidence against the petitioner and the other co-accused, continuance of the proceedings against the present petitioner would be an abuse of the process of law.

Resultantly the petition is allowed and the FIR No. 279 dated 16.07.2011. under section 420 IPC(Sections 406,120-B IPC added later on) and Section 8/9 of the Prevention of Corruption Act, 1988, registered at Police Station City Sangrur, District Sangrur and the subsequent chargesheet are quashed.

(AJAY TEWARI)
JUDGE

February 12, 2014
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