

CRM-M-47-2015 (O&M)

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

**CRM-M-47-2015 (O&M).
Decided on: January 6, 2015.**

Indraj Singh

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Bijender Dhankhar, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Petitioner was initially booked in a case under Section 7 of the Prevention of Corruption Act and later on offence under Section 13 of the said Act was added but the challan was presented only under Section 384 IPC by the State Vigilance Bureau in the Court of the Illaqua Magistrate.

Counsel for the petitioner submits that no offence is made out under Section 384 IPC on the basis of the material which has been gathered by the prosecution agency during the course of investigation.

I have heard the learned counsel for the petitioner.

Without carefully perusing the material forming part of the report under Section 173 (2) Cr.P.C., it will not be possible for this Court to appreciate whether prima facie any offence under

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Section 384 IPC is made out against the petitioner or not.

This petition is disposed of as pre-mature, at this stage, with liberty to the petitioner to raise all the pleas taken up in this petition before the trial Court. In case the trial Court on appreciation of the material forming part of report under Section 173 (2) Cr.P.C, arrives at a conclusion that the material, prima facie, does not constitute offence under Section 384 IPC, there being no allegations warranting framing of charge under the said Section or any other Section, it will be open to the trial Court to discharge the petitioner.

January 6, 2015.
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(M.M.S. BEDI)
JUDGE