

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1880 of 2015

Date of Decision.04.02.2015

Sanjay Gupta

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Vishal Deep Goyal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner is aggrieved that a cancellation report is sought to be presented in Court after an investigation by a person who is incompetent. This information was, according to him, known through the order passed in Crl. Misc. Petition No.14581 of 2012 in which the State counsel represented that a cancellation report was being prepared.

2. The Senior Counsel appearing on behalf of the petitioner would submit that in a case of a complaint under the Prevention of Corruption Act against the high ranking officials such as the Estate Officers of HUDA, Faridabad, the competent authority will be the person not below the rank of Deputy Superintendent of Police or equivalent. The investigation is reported to have been done by a person who is below the rank. The petitioner will be at liberty to point out to the

lapse, if any such cancellation report is sought to be filed before the Magistrate and seek for investigation to be done in accordance with law.

3. The writ petition in my view would be premature and the appropriate remedy will still be possible for the petitioner to canvass in the manner it is projected before this Court before the jurisdictional Magistrate through a protest petition if a cancellation report is filed before him. If such a petition is forthcoming before the Court when cancellation report is presented, the Magistrate will consider the petition and pass appropriate orders in accordance with law.

4. The writ petition is disposed of as above.

(K. KANNAN)
JUDGE

February 04, 2015
Pankaj*