

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

(112)

CRM-M-3377-2016

Decided on: September 28, 2016.

Jitender Singh

.... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Shalender Mohan, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

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

The petitioner, through instant petition under Section 482 Cr.P.C, has sought a direction to refer the investigation of the present case under Section 7 of the Prevention of Corruption Act to an independent agency like Central Bureau of Investigation alleging that sister-in-law of the petitioner, namely Anju Rani, was appointed in January, 2014 in Public Health Department at Radaur on contract basis for a period of one year. She had been given a notice on expiry of period of one year. She approached respondent No.7 at his house on 18.12.2014 for extension for which he demanded a sum of Rs.50,000/- in lieu of the extension. A written complaint was made to the State Vigilance Bureau Haryana which was marked to the Police Station State Vigilance Bureau and the matter was sent to the Vigilance Bureau Police Station Rohtak resulting in registration of FIR No.42 dated 19.12.2014 when allegedly a sum of Rs.50,000/- was handed over to respondent No.7.

The petitioner claims that respondent No.7 is a highly influential person with political connections and is closely related to the Ex-Chief Minister as such favour was shown to him during course of investigation. The grievance of the petitioner is that he had an apprehension that cancellation report would be filed. The petitioner had been seeking information under RTI Act.

The petitioner had earlier approached this Court for a direction by filing CRM-M-13663-2015 which was disposed of on 02.07.2015. In view of the investigation of the case having been entrusted to Inspector General of Police, State Vigilance Bureau, Gurgaon, the investigating agency appears to have investigated the matter and presented the cancellation report. Notice was issued to the petitioner as complainant and a protest was raised but the cancellation report has been accepted on 05.08.2016 giving liberty to the petitioner-complainant to file protest petition/private complaint as per the provisions of law separately. Order dated 05.08.2016 accepting cancellation report is not subject matter of the present petition.

I have considered the contentions of learned counsel for the petitioner.

The petitioner had earlier filed a petition before this Court and considering the grievance of the petitioner the investigation had been referred to the higher authorities as per order dated 02.07.2015. The investigation had been conducted by Inspector General of Police, State

Vigilance Bureau Gurgaon after it was transferred to State agency. The State agency has filed cancellation report. Since the agency deputed by the State, on the apprehension of the petitioner, has filed cancellation report on investigation, the scope for issuance of any further direction under Section 482 Cr.P.C especially when the cancellation report is already accepted by the Special Judge, Rohtak on 05.08.2016, is very limited.

I have also considered the allegations of the counsel for the petitioner that respondent No.7 is closely associated with the Ex-Chief Minister.

It will not be appropriate for this Court at this stage to form an opinion that after the change of the Chief Minister, respondent No.7 would continue to exercise influence if any on account of his acquaintances in the politics.

This petition is dismissed without prejudice to the right of the petitioner as observed by the Special Judge on 05.08.2016.

(M.M.S. BEDI)
JUDGE

September 28, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No