

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM M-7490 of 2016****Date of decision : 11.03.2016**

Preet Pal Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D Hasija, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has impugned order passed by Special Court, Patiala whereby application moved by accused for further investigation of the case has been rejected.

Learned counsel for the petitioner has asserted that court below did not appreciate the controversy in correct perspective. Decision taken by it is erroneous in nature. Thus, same be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR was registered by Vigilance Bureau, Patiala. It was alleged therein that accused had usurped the public land by getting certain fake sale-deeds registered in their favour. Petitioner was posted as Kanungo at the relevant time. He acted in connivance with other government officials including Vikas Garg, Deputy Commissioner, Patiala. FIR was, thus, registered under sections 409, 420, 467, 468, 471, 120-B IPC and 13(1)(D) read with 13(2) of P.C. Act 1988. After completion of investigation, challan was presented against the accused. Admittedly, challan was filed and trial has made some progress. As it reached the stage of

consideration of charge, instant application was moved for further investigation of the matter alleging that investigation was unfair and was carried out in violation of the Rules. Prayer for further investigation was resisted by the State on the ground that further investigation could not be taken on the asking of the accused. Plea for further investigation was, thus, rejected by the court below. I find no infirmity with the order. It appears that by moving instant application, accused only wishes to build up his defence. The documents sought to be produced cannot be summoned at the stage of framing of charge in light of judgment reported as *State of Orissa vs. Debendra Nath Padhi 2005(1) SCC 968*. Most of the accused are officials of the revenue departments. One of them namely Vikas Garg was posted as Deputy Commissioner, Patiala at the relevant time. Allegation against them is that they usurped the government land measuring 5950 square yards worth ₹200-250 crores. After a thorough investigation, Vigilance Bureau presented challan against them. Instead of facing the trial in normal course, they have tried to circumvent the proceedings by moving frivolous applications for further investigation of the case. Needless to observe that prosecution has already submitted its report under section 173 (2) Cr.P.C. alongwith all the evidence collected during investigation. If the trial proceeds in normal course accused would get opportunity at the appropriate stage to cross examine the witnesses and present their version. Application for further investigation by accused is not only misconceived but frivolous. Same is, thus, dismissed with ₹20,000/- as costs.

March 11, 2016

(RAJAN GUPTA)
JUDGE