

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

Date of decision: 28.05.2016

CWP No.10948 of 2016

Davinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ramesh Sharma, Advocate, for the petitioner.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner, a Panchayat Secretary, was prosecuted under Section 13(1)(c)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and other provisions of the Indian Penal Code including for criminal breach of trust by an public servant, theft, cheating etc. in FIR No.27 dated 17.03.2009. The trial has led to the acquittal at the hands of Judge, Special Court, Ludhiana by order dated 14.08.2015. The petitioner was in jail during the trial. The Special Court, Ludhiana was not even in a position to give benefit of doubt, when the prosecution witnesses had been won over and had shown interest in the success of the prosecution case and the most material prosecution witnesses turned hostile. These are the findings of the trial Court that the witnesses of the prosecution have badly shattered the prosecution case in their cross-examination. The acquittal is not

honourable in service jurisprudence. There is sufficient weight of judicial opinion on the point which needs no notice here.

I am therefore disinclined to interfere in this petition.

At this stage, Mr. Sharma prays that he may be permitted to withdraw the present petition with liberty to the petitioner to avail his administrative remedies. The court would not come in the way to decline such prayer.

Dismissed as withdrawn with liberty as prayed.

[RAJIV NARAIN RAINA]
JUDGE

28.05.2016
Vimal