

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-29612 of 2014

Date of Decision: 30.8.2017

Prem Bhardwaj

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Gaurav Chadha, Advocate for
Mr. G.S.Chahal, Advocate
for respondent No. 4.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is to quash the vigilance enquiry initiated against the petitioner being based on purely service related matter of the year 2001.

Learned counsel for the petitioner states that CRM-M-5354 of 2014 was filed by respondent no. 4 Gulshan Rai Senger with a prayer to direct the official of respondents No. 1 and 2 to hold a vigilance enquiry against the private respondents (in CRM-M-5354 of 2014) including petitioner Prem Bhardwaj. The said petition was disposed of by this Court on 18.2.2014 in terms of the order passed in CRM-M-22193 of 2013 titled '*Jaswinder Kaur versus State of Punjab*' decided on 2.12.2013. As per the

decision rendered in *Jaswinder Kaur*'s case (supra), this Court has observed

that there is no reason for the High Court to issue a direction under Section 482 Cr.P.C. in the situation of failure on part of some police officer to register an FIR on the allegation that a cognizable offence has been committed.

Learned State counsel states that the order dated 2.12.2013 passed in *Jaswinder Kaur's* case (supra) has no relevance in the facts and circumstances of the present case. He further states that no vigilance enquiry is pending against the petitioner.

Reply on behalf of respondents No. 1 to 3 has been filed by way of affidavit of Joginder Pal, Deputy Superintendent of Police, Vigilance Bureau, Unit Shaheed Bhagat Singh Nagar. In para 1 of the preliminary submissions it has been stated that no criminal action was warranted against the office bearers including the petitioner Prem Bhardwaj and accordingly, the vigilance enquiry was ordered to be filed. The relevant portion of the reply reads as under:-

“In view of the said directions of the Hon'ble Court, an enquiry was conducted by Bahadur Singh, Inspector of Police, Vigilance Bureau, Unit Shaheed Bhagat Singh Nagar, who submitted his report dated 7.11.2014, to the effect that the then office bearers of the Managing Committee of the D.A.N. College of Education, Shaheed Bhagat Singh Nagar, namely, Prem Bhardwaj, President of the Managing Committee, Dr. Adarsh Rajpal General Secretary and Smt. Dev Ichha, the then Principal of the said educational institution while promoting Shakti Kumar Sobti, from the rank of Clerk to the rank of Superintendent, Grade-II, by giving a goby to the Guru Nanak Dev University, Service and Conduct Rules, by not following the necessary procedure as envisaged in the University Calender Rules and, thus, recommended departmental action against them by their administrative department. The Joint

Director (Crime), Vigilance Bureau, Punjab, Chandigarh, concurred with the said enquiry report and recommended action against them by the Government as per the Aided Colleges Rules and since no criminal action was warranted against the said office bearers, namely, Prem Bhardwaj, President of the Managing Committee, Dr. Adarsh Rajpal General Secretary and Smt. Dev Ichha, the then Principal of the said educational institution, so the vigilance enquiry ordered to be filed. No harassment has ever been caused to the petitioner and the allegations that no vigilance enquiry was ordered and that the answering respondents were blindly proceeding with against the petitioner by misunderstanding and misconstruing the directions of the Hon'ble Court are totally wrong and false. The petition having been rendered infructuous, deserves to be dismissed as such."

In view of the reply so submitted by respondents No. 1 to 3, learned counsel for the petitioner states that since the petitioner was exonerated in the vigilance enquiry, the present petition no more survives and may be disposed of as such.

Disposed of accordingly.

(HARI PAL VERMA)
JUDGE

August 30, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No