

**Sr. No.122
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-297 of 2017 (O&M)

Date of Decision:01.03.2017

Rattan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Surender Lamba, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of FIR No.29 dated 25.12.2009, under Sections 420, 120-B of IPC and Section 13(1)(d) of Prevention of Corruption Act, registered at Police Station SVB, District Gurgaon.

Perusal of the FIR would reveal that the allegations against the present petitioner are of having acted in connivance with one Naresh Kumar, District Khadi Gram Udyog Officer and having supplied inferior quality burners/regulators/rubber pipes which were to be used in various schools for preparation of mid-day meals.

FIR was registered in the year, 2009.

One of the contentions raised by counsel for the petitioner is that the FIR has to be construed as a total abuse of the process of law as till date of the filing of the petition, challan has not been presented.

The instant petition came up for preliminary hearing before this Court on 01.02.2017 and State counsel was directed to furnish a status

the year, 2009.

Today, during the course of hearing, learned State counsel would furnish a status report by Inspector Satya Prakash, Vigilance Bureau, Gurgaon. Status report is taken on record and a copy has been supplied to counsel for the petitioner.

Perusal of the status report reveals an intriguing stand being taken. It has been averred in para 4 of such report that on 19.08.2016 notice was issued to the present petitioner for joining investigation but he did not do so. Even a raid was conducted on 11.01.2017 on the residence of the petitioner but he was found missing.

On a specific query having been put to learned State counsel, he upon instructions from Inspector Satya Prakash would concede that from the date of registration of the FIR i.e. 25.12.2009 and till 19.08.2016 when a notice was issued to the petitioner for joining investigation, for such interregnum of almost 07 years, petitioner had never been called upon to join investigation.

The approach and attitude of the investigating agency in the matter cannot be appreciated. The matter is pending investigation since the year 2009. It is not a case where allegations are of such a nature that would justify the inordinate delay that has occurred and for which the petitioner to be always under the threat of arrest.

Learned counsel for the petitioner at this stage makes a very fair statement that the petitioner is not running away from investigation.

Without making any observations on merits, the present petition is disposed of with a direction to the State/Investigating Agency to expedite the process of investigation pertaining to FIR No.29 dated

25.12.2009, under Sections 420, 120-B of IPC and Section 13(1) (d) of Prevention of Corruption Act, registered at Police Station SVB, District Gurgaon and to in any case conclude the same within a period of 06 months from today.

In the meanwhile, petitioner would join investigation and is directed to appear before the Investigating Officer on 15.03.2017 at 11:00 a.m.

Arrest of the petitioner stands stayed subject to his cooperating in the investigation process.

Petition disposed of.

01.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No