

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

CRM No.M-24602 of 2014 (O&M)
Date of Decision: November 14, 2018

Ram Avtar Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pankaj Jain, Advocate
for the petitioner.

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

Mr.Vinod S. Bhardwaj and Ms.Deipa Singh, Advocates
for respondent No.4.

Mr.Sunil Panwar and Mr.Dhananjay Singh, Advocates
for respondent No.5.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 25.06.2012 passed by respondent No.2 declining the permission for prosecution of respondent No.4 in case FIR No.13 dated 21.04.2011 under Sections 7, 11 and 13 of the Prevention of Corruption Act and for quashing of order dated 14.08.2012 passed by respondent No.3 refusing the sanction to prosecute respondent No.5 in the above-said FIR and also the order dated 23.10.2012 passed by learned Addl. Sessions Judge, Nuh, whereby respondents No.4 and 5 were ordered to be discharged

in the absence of sanction under Section 19 of the Prevention of Corruption

Act.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.4 and 5 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The perusal of the record shows that firstly, competent authority i.e. Addl. Chief Secretary, vide order dated 25.06.2012 declined the sanction under Section 19 of the Prevention of Corruption Act against respondent No.4-Virender Singh Gill by passing a detailed order. Learned counsel for the petitioner has not pointed out as to what illegality has been committed by the competent authority while refusing the sanction. From the perusal of the order dated 25.06.2012, copy of which is Annexure P-2, I find that the competent authority has discussed the alleged material evidence and the facts and circumstances of the case and reached to the conclusion for declining the grant of sanction to prosecute Virender Singh Gill, HFS, as required by Superintendent of Police. The main evidence against the officer is CD but for taking and comparing the voice sample, application has already been declined by the trial Court vide order dated 30.08.2011. Secondly, the demand regarding LED/LCD T.V. was also found doubtful as the T.V. was given to one Subhash Kumar and it was also recovered from his house. The evidence regarding ownership of the mobile number has also been discussed in the order. The competent authority has declined the sanction after applying its mind to the facts of the case. No illegality has been committed while declining the sanction to prosecute respondent No.4.

Further, I find that sanction has also been declined to prosecute

Lal Chand-respondent No.5, though, it is stated that this order has been passed after the retirement of the official Lal Chand, Clerk. The perusal of the record shows that learned trial Court has discharged accused Virender Singh Gill and Lal Chand vide impugned order dated 23.10.2012. This order has already been challenged by the present petitioner earlier by way of filing revision petition before this Court vide CRR No.311 of 2013, which was decided on 25.03.2014 and that petition was got dismissed as withdrawn by learned counsel for the petitioner with the liberty to challenge the order whereby the authorities declined to grant sanction for prosecuting Virender Singh Gill and Lal Chand. No liberty was taken to challenge discharge order against them. Rather, the revision against that order has been withdrawn. Now, again the petitioner cannot challenge the order passed by the trial Court discharging Virender Singh Gill as well as Lal Chand, retired Clerk.

It has also brought to the notice of this Court that accused against whom the challan was presented, has already been acquitted by learned trial Court.

In view of the above discussion, I find that the impugned orders do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

November 14, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No