

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3959 of 2018

Date of Decision: 11.05.2018

Kulbir Singh Sawhney

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.

This petition has been filed by Kulbir Singh Sawhney challenging notice under Section 160 Cr.P.C. (Annexure P-12) issued to him by Superintendent of Police, Vigilance Bureau, Punjab, Bathinda calling upon him to join investigation.

2. Learned counsel for the petitioner submits that notice to petitioner has been issued in connection with FIR No. 10 dated 21.11.2012 in which challan has already been filed by the police and petitioner has been charge-sheeted. He could not be summoned by the police in that case for the purpose of further investigation.

3. Learned State counsel submits that FIR No. 10 dated 21.11.2012 was registered regarding anomalies in the electric work carried out under officials of Bathinda Development Authority, Bathinda in the area of Morh Mandi, Mansa and Budhladha. The police after completion of investigation has presented the challan. Further enquiry regarding similar work carried out in remaining nine Mandies of Bathinda is being carried out

where misappropriation of more than ₹12 crores has been unearthed. There is also complaint of evasion of service tax by the contractors involved in the aforesaid work. The investigation has been carried out under the order of Chief Director, Vigilance Bureau, Punjab and the petitioner was asked to join the investigation in order to provide required information. It was specifically mentioned in the notice that this enquiry relates to lights installed in Goniana Mandi, Bhucho Mandi, Rampura Phul, Raman Mandi, Talwandi Sabo, Sardulgarh, Bareta Mandi, Sangat Mandi and Kotfatta Mandi.

4. Section 160 Cr.P.C. reads as follows:-

“160. Police officer's power to require attendance of witnesses.

- (1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person [under the age of fifteen years or above the age of sixty-five years or a woman or a mentally or physically disabled person] shall be required to attend at any place other than the place in which such male person or woman resides.

- (2) The State Government may, by rules made in this

behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.”

5. Notice has been issued to the petitioner by police officer exercising powers under Section 160 Cr.P.C. In this case investigation being conducted is not with regard to allegations in the FIR but further information received by the police, as such, no permission of the Court was required to carry out the same.

6. The notice issued by investigating officer is in exercise of powers vested in him as per provisions of Section 160 Cr.P.C., as such, is not bad in the eyes of law.

7. This petition has no merit and the same is dismissed.

May 11, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No