

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

**CRM No.M-42474 of 2018 (O&M)  
Date of Decision: December 03, 2018**

Rohit Kumar

...Petitioner

**VERSUS**

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Karan Singh, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Haryana and other respondents for partly quashing the impugned order dated 05.03.2016 passed by learned Addl. Sessions Judge/Special Judge, Yamuna Nagar at Jagadhri, to the extent of directing the investigating agency wrongly to obtain sanction for prosecution of respondent No.2 from the department against the settled law, in case FIR No.5 dated 03.07.2012 under Section 7 of the Prevention of Corruption Act, registered at Police Station State Vigilance Bureau, Haryana, Panchkula.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that present petitioner is complainant in case FIR No.5 dated 03.07.2012. The FIR was against Balwan singh and Sheesh Pal Mehta, contractor. The police after investigation, filed the

cancellation report twice. Then, the Court below passed the impugned order asking for the sanction. As per the record, the sanction was also declined by the competent authority vide order dated 19.07.2016.

As the Court has asked for the sanction and sanction has been declined by the competent authority, now, the impugned order has become infructuous. Otherwise also, it is settled law that the Court cannot take cognizance under Section 7 of the Prevention of Corruption Act without the sanction by the competent authority. Sanction is mandatory under Section 19 of the PC Act. In the present case, prosecution has not taken/applied for sanction to the competent authority. If the Court has passed the order asking the prosecution to apply for sanction, that order is, rather, in favour of the petitioner and against the accused-respondents. The aggrieved party should be the accused. The impugned order has been passed by the trial Court in favour of the complainant asking the investigating agency to apply to sanction. In these circumstances, I find that no illegality has been committed by learned trial Court while passing the impugned order.

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

**December 03, 2018**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**