

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-44108 of 2017

Date of decision: April 17, 2018

Surinder Kumar

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.P.S. Bhullar, Advocate for the petitioner.
Mr. Sumit Goel, Advocate for CBI.

Rajan Gupta, J.(oral)

Petitioner has preferred this petition impugning the order dated 8.11.2017, passed by Special Judge, CBI, Chandigarh, whereby application under Section 91 read with Section 207 Cr.P.C. was declined.

At the time of issuance of notice, limited issue raised by counsel for the petitioner before this court was that enquiry report, on the basis of which sanction for prosecution was sought, was not made part of the challan. Mr. Bhullar has pointed out that sanction for prosecution has been granted without complete report being there before the authority concerned. Reply has been filed by the CBI. Its stand is that documents, on which reliance has been placed, have been furnished.

In view of above, present petition is disposed of. However, petitioner shall be at liberty to raise all his pleas before the trial court at the appropriate stage.

This court hopes and trust that the trial should proceed in accordance with the provisions of Section 309 Cr.P.C.

April 17, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No