

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41325 of 2019

Date of decision: 15.10.2019

Ramphal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

HARINDER SINGH SIDHU,J

Prayer is for quashing of order dated 07.08.2019 (P.2) passed by the Commissioner, Gurugram Division, Gurugram whereby he has granted sanction under Section 19 of the Prevention of Corruption Act,1988 for prosecution of the petitioner.

At the relevant time, the petitioner was working as Assistant in the office of Deputy Commissioner, Narnaul. One Hemant Kumar submitted a complaint against the petitioner that he had demanded amount of Rs.5000/- for granting an armed licence. After investigation, an application was moved before the learned Commissioner for grant of sanction which was declined vide order dated 14.2.2019 (P.3). Ld. Commissioner in his order recorded that there was nothing on record to indicate that the petitioner had, at any stage, raised any objection to the grant of the said armed licence. Further, despite being repeatedly called, the complainant had not appeared before the Commissioner to substantiate his allegations.

Meanwhile, a report was received from the FSL in respect of

hand-wash sample of the accused, complainant as also the recovered currency notes. According to the report, sample of the accused and sample of the complainant and the powder of the notes was found to match. Statement of the complainant under Section 164 Cr.P.C was also recorded with respect to the details about demand of bribe by the petitioner.

Taking into account the aforesaid material, another application was moved to the Commissioner for grant of sanction, which was granted vide impugned order dated 07.08.2019.

Considering that the sanction has now been granted in view of the additional material presented by the prosecution, there is no infirmity or illegality in the impugned order.

This petition is dismissed.

Needless to mention that it will be open to the petitioner to raise any plea including as to validity of the sanction before the trial Court.

October 15, 2019
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No