

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

Sr. No.202-a

CWP No.14828 of 2020

DATE OF DECISION: February 09, 2021

VIKAS SHARMA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Suvir Sidhu, Advocate and
Mr. Harlove Singh Rajput, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner is a resident of Mumbai. He was named as an accused in FIR No.10, dated 21.06.2019, registered at Police Station Vigilance Bureau Flying Squad, SAS Nagar, Punjab under Sections 409, 420, 465, 467, 468, 471, 120-B IPC and Section 7, 13(1) A r/w 13(2) of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018. He was arrested on 08.11.2019 and released on interim bail till further orders vide order dated 21.07.2020 passed by this Court in CRM-M-10265-2020. While on bail, a notice dated 02.09.2020 (Annexure P-1) was issued under Section 160 Cr.P.C. by the Vigilance Bureau Flying Squad, Punjab directing him to come present on

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10.09.2020 to give further information relating to the aforementioned case.

This notice has been challenged in the present writ petition.

Learned counsel for the petitioner has argued that the petitioner is a resident of Mumbai and thus, the Investigating Officer of Vigilance Bureau, Punjab lacks jurisdiction to summon him under Section 160 Cr.P.C. Further, an accused cannot be asked to self incriminate one self and on this ground also the said notice is liable to be quashed.

Learned State counsel submits that the petitioner did not appear before the investigating agency when directed by it and thus, the notice was necessary.

Section 160 Cr.P.C. is explicit. A police officer can summon a person to depose as a witness only if the person resides within the limits of his police station or within the limits of any adjoining police station. Thus, Investigating Officer of Vigilance Bureau, Punjab could not summon a witness from Mumbai under the said provision. Moreover, no accused can be asked to self incriminate. Thus, summoning him as a witness is out of the question. If the investigating agency wants to interrogate the petitioner it will have to proceed in accordance with law, however, the procedure adopted in this case cannot be condoned.

For the aforementioned reasons, the writ petition is allowed and notice dated 02.09.2020 (Annexure P-1) is quashed.

February 09, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No