

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

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CWP-17021-2020

Decided on : 22.04.2021

Kunal Verma

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.GPS Ghuman, Advocate, for the petitioner.

Mr.A.P.S.Gill, AAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No.2 & 3 not to drag/involve/implicate the petitioner in FIR No.8 dated 21.08.2020 registered under Sections 7, 7(A), 8 of Prevention of Corruption Act, 2018 and Sections 420, 465, 467, 468, 471, 120-B IPC, Police Station Vigilance Bureau, Flying Squad SAS Nagar Mohali (Annexure P-1) and in FIR No.9 dated 21.08.2020 registered under Sections 7, 7(A), 8 of Prevention of Corruption Act, 2018 and Sections 420, 465, 467, 468, 471, 120-B IPC, Police Station Vigilance Bureau, Flying Squad-1 Mohali (Annexure P-2).

The defence of the respondents is that in FIR No.8, accused Satpal Singh Multani AETC Faridkot, Kali Charan ETO Mobile Wing Chandigarh-1 at Shambu and Varun Nagpal ETO Shri Muktsar Sahib were arrested on 21.08.2020. During the course of investigation, it has come to notice that there were 7 more passers/mediators who were working at Mandi Gobindgarh and who were nominated as accused on 27.08.2020 and one such mediator was arrested on 30.08.2020 namely Sukhwinder Singh @ Shinda. Petitioner's name has also been disclosed by the said person who is stated to be a mediator working in the area of Moga.

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Till date, the petitioner has not been nominated in the FIR but his role is under the investigation conducting by the Vigilance Bureau. A perusal of the FIR would also go on to show that even FIR No.9 is about how the transporters send the different goods items to the different districts of Punjab and other States without bills with the help of the passers/mediators with the connivance of the officials of Excise & Taxation Department. The FIR would go on to show that huge sums of money are passing hands who are public servants and also involved therein and the provisions of the Prevention of Corruption Act, 2018 is also involved. In such circumstances, if the petitioner is needed for the purpose of investigation or being an accused, this Court will not exercise its extraordinary writ jurisdiction to grant him protection as it is the prerogative of the investigating agency.

Resultantly, this Court is of the opinion that it is not a fit case where the extraordinary writ jurisdiction under Article 226 of the Constitution of India is liable to be invoked. In such circumstances, no further relaxation can be given to the petitioner and the present writ petition is, accordingly, dismissed.

APRIL 22, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No