

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

CRR-999 of 2022 (O&M)

DECIDED ON: 22nd July, 2022

State of Punjab

.....PETITIONER

VERSUS

Kuljit Singh

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This criminal revision petition is filed by State of Punjab impugning the order dated 5th September, 2019 whereby the respondent-Kuljit Singh was discharged in case of FIR No. 16 dated 3.3.2009, under Section 7, 13(2) of Prevention of Corruption Act, 1988 (for short 'the Act').

It would be appropriate to reproduce para-2 of the impugned order as under:

"Per contra, it is submitted by the Id. Counsel for the accused that in the present case the sanctioning authority had passed an order dated 22.10.2009 whereby sanction for prosecution of the present accused was refused and as such this Court is not competent to take cognizance of the offence and accordingly accused is liable to be discharged."

From the impugned order it is evident that the sanction to prosecute was refused by passing the order dated 22nd October, 2009.

Learned State counsel on instructions from DSP Jogeshwar Singh Goraya alongwith ASI Baldev Raj, is not disputing the fact that till date there is no sanction for prosecution.

Learned State counsel in view of factual position is not able to point out any factual or illegal error in the impugned order.

No case is made out for interference in the revision petition.

The revision petition is dismissed.

Before parting, it would not be out of place to note that no sanction for prosecution was granted by the limb of the State. On the other hand the order passed by the Court on settled proposition of law that no cognizance under the Act can be taken without prior sanction has been impugned in this Court. If deemed appropriate, the matter should be looked into by the higher officials with regard to the noting and opinion given for filing of the present petition and fix responsibility if so desired.

Since the main case has been decided, the pending application for condonation of delay is also disposed of.

(AVNEESH JHINGAN)
JUDGE

22nd July, 2022
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>