

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

CRR-2468-2019 (O&M)

Date of Decision: 27th September, 2022

Rajesh Narang and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate and
Mr. Rishabh Singla, Advocate for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This revision petition is filed challenging order dated 31st August, 2019.

Brief facts are that the petitioners Inspectors in Regional Transport Authority, Jhajjar (RTA) are accused in FIR No. 20 dated 13.4.2019 under Sections 7, 13(1) (B), Prevention of Corruption Act, 1988 (for short 'the Act) was registered at P.S. 13-17, Panipat. The challan was presented on 10.6.2019. The Trial Court (without waiting for sanction to prosecute) framed charges vide order dated 9.7.2019. After receipt of the sanction on 11.7.2019, the impugned order dated 31.8.2019 was passed ordering framing the same charges against the petitioners, as were framed vide order dated 9.7.2019.

Learned State Counsel has filed reply, the same is taken on record. Copy supplied to the counsel for the petitioner.

It is not disputed that on 9.7.2019 when the charges were framed, there was no sanction to prosecute but now there is a sanction under Section 19 of the Act.

The grievance raised at this stage is that on 31.8.2019, no opportunity was provided to the petitioners while framing the charges and it was stated that charges have already been framed. The contention is that earlier framing of the charges was illegal as there was no sanction.

Learned State Counsel submits that the Court can take cognizance as the sanction has been granted by the appropriate authority.

Learned counsel for the parties could not raise any serious objections for quashing of the impugned order dated 31st August, 2019 and order dated 9.7.2019 (framing charges) and remanding the matter back to the Trial Court to proceed from the stage of framing of charges.

Petition is disposed of, the orders dated 9.7.2019 and 31.8.2019 are set aside and in view of the sanction to prosecute, the Trial Court would proceed from the stage of framing of charges.

Since the main case has been decided, the pending application, if any, is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

27th September, 2022

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No