

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 13238 of 2021

Date of Decision: 22.03.2023

Baldev Krishan Batta

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Deepak Thapar, Advocate
for the petitioner(s).

Mr. R.K.Kapoor, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner while praying for issuance of the writ in the nature of certiorari to set aside the order dated 03.06.2020, in substance, is aggrieved of the order granting sanction for prosecuting the petitioner under the Prevention of Corruption Act, 1988.

2. While referring to the instructions dated 16.01.2002 and 28.10.2015, the learned counsel representing the petitioner contends that while granting or rejecting sanction for prosecution, the competent authority is required to examine the record and pass a speaking order.

3. From perusal of the order dated 03.06.2020, it is evident that the Deputy Commissioner, while noticing that the file has not been put up for consideration after 10.01.2019, has granted the sanction for prosecution of the petitioner by writing four words “Prosecution Sanction is granted”.

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of the case so as to avoid giving any observation which may affect the decision of the competent authority.

5. Keeping in view the peculiar facts of the case, the present writ petition is allowed and the order dated 03.06.2020 is formally set aside while directing the Deputy Commissioner to pass a fresh speaking order within a period of one month from today, in accordance with law.

(Anil Kshetarpal)
Judge

March 22, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No