

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-27997-2023 (O&M)

Date of decision : 07.08.2023

Bharat Inder Singh Chahal

... Petitioner

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.R.S. Cheema, Senior Advocate with  
Mr.K.S.Nalwa, Advocate,  
Mr.Yajur Shrma, Advocate,  
Mr.Hakikat Grewal, Advocate and  
Mr.Satish Sharma, Advocate  
for the petitioner.

Mr. R.S. Rai, Senior Advocate with  
Mr.Luvinder Sofat, DAG, Punjab  
for the respondents

**VIKAS BAHL, J.(ORAL)**

1. This is the first petition under Section 438 Cr.P.C. for issuance of 14 days' advance notice in any case likely to be registered against the petitioner in the State of Punjab on the basis of enquiry no.14 dated 24.11.2022 being conducted by the Vigilance Bureau, Punjab.
2. On 26.07.2023, this Court was pleased to pass the following order:-

*“On 01.06.2023, a coordinate Bench of this Court had passed a detailed order, relevant part of which is reproduced hereinbelow:-*

*“[14]. In the meanwhile, the petitioner is directed to appear before the Inquiry Officer/Committee, (who is inquiring in respect of the aforesaid two properties of the petitioner) within a period of two weeks or a date to be fixed by the Inquiry Officer/Committee. The inquiry shall be concluded in accordance with law at the earliest. If*

*the inquiry is concluded by the adjourned date, a copy thereof, be produced before this Court. In the meanwhile, it is directed that the inquiry report (if any) finalized, be not given effect till the next date of hearing. The passing of this direction, however, shall not bestow any such equitable consideration in favour of the petitioner for grant of any such prayer on the merits of the case. The case shall be considered on merits on the basis of material to be produced in the form of inquiry report.*

*[15]. Nothing expressed hereinabove, shall be construed to be an opinion on merits of the case.*

01.06.2023

(RAJ MOHAN SINGH)  
JUDGE”

*Learned Deputy Advocate General has submitted that in view of the fact that a direction had been given that the inquiry, if finalized, be not given effect to, the competent authority is not able to take a final decision with respect to the registration of the FIR. It is further prayed that the said part of the order dated 01.06.2023 be modified inasmuch as the State be permitted to conclude the inquiry and to give effect to the same. It is stated that in case the competent authority comes to the conclusion that an FIR is required to be registered, then till the next date of hearing, the petitioner would not be arrested and a copy of the FIR, if any, would be handed over to Mr.K.S.Nalwa, learned counsel for the petitioner by 04.08.2023. It is further prayed that in case an FIR is registered and copy of the same is given to Mr.K.S. Nalwa, counsel for the petitioner, then the present petition be disposed of as having been rendered infructuous.*

*Learned counsel appearing for the petitioner has submitted that in case an FIR is registered and a copy of the same is given to the learned counsel for the petitioner by 04.08.2023, then on the adjourned date, the matter be disposed of as having been rendered infructuous but the State be bound by the statement that they would not arrest the petitioner till the next date of hearing i.e., 07.08.2023.*

*In view of the statement made on behalf of the learned counsel for the petitioner and the State, the order dated 01.06.2023 is modified and the State is permitted to conclude the inquiry and to give effect to the same and in case, they come to the conclusion that an FIR is required to be registered in the present case, then the State is directed to hand over a copy of the FIR to Mr.K.S.Nalwa, learned counsel for the petitioner by 04.08.2023.*

*Till the next date of hearing, the arrest of the petitioner in the present case is stayed.*

*Adjourned to 07.08.2023.*

To be taken up at 10:00 AM.

July 26, 2023.”

3. Learned senior counsel for the State has pointed out that in pursuance of the order dated 26.07.2023, FIR no.26 dated 02.08.2023 has been registered under Section 13(1)B read with Section 13(2) of the Prevention of Corruption (Amendment) Act, 2018 at Police Station Vigilance Bureau, Patiala and a copy of the same has been given to learned counsel for the petitioner on 03.08.2023 and thus, the present petition has been rendered infructuous.
3. Learned senior counsel for the petitioner has not disputed the above said facts.
4. Keeping in view the above said facts and circumstances, the present petition is disposed of as having been rendered infructuous.
5. Pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)  
JUDGE

August 07, 2023  
Davinder Kumar

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |