

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

216

CRM-M-1139-2021

Date of Decision: 21.02.2023

State of Haryana ...Petitioner

Versus

Satender Kumar ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurmeet Singh, AAG, Haryana, for the petitioner.

Mr. Mohit Kumar, Advocate, for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The State has filed the instant petition assailing order dated 03.10.2019 vide which learned Special Judge, Bhiwani has ordered for registration of an FIR pursuant to an application under Section 156(3) Cr.P.C. moved by the complainant.
2. Learned State counsel is mainly aggrieved by the direction issued by the learned Special Judge, whereby the matter has been ordered to be sent to the State Vigilance Bureau, Bhiwani for registration of an FIR instead of sending the same to the State Police, on the ground that the learned Magistrate is not competent to chose the investigating agency and that in case the Magistrate was of the opinion that some FIR is required to be lodged, a direction ought to have been issued to the State Police and not to the State Vigilance Bureau, Bhiwani.
3. On the other hand, learned counsel representing the complainant/respondent has submitted that since all the matters

pertaining to corruption are being investigated by the State Vigilance Bureau, the State Vigilance Bureau is fully competent to lodge FIR. Learned counsel has also drawn the attention of this Court to notification dated 16.08.2000 issued by the State of Haryana. The said notification reads as follows:

“No.8/113/2000-6HGI - In exercise of the Powers conferred by First Proviso to Sub-section (I) of Section 17 of the Prevention of Corruption Act, 1988 (49 of 1988) and in supersession of Haryana Govt. Home Department order No.8261-2H-70/32862, dated 23/34 Dec. 1970, the Governor of Haryana hereby authorizes for the purpose of the said proviso, the Inspectors of Police serving in the State Vigilance Bureau of the Vigilance Department of Haryana to investigate any offence punishable under this Act without the order of the Magistrate of 1st Class or make any arrest, therefore, without a warrant.”

4. A perusal of the aforesaid notification shows that the Inspectors of Police serving in State Vigilance Bureau have been authorized to investigate any offence punishable under the Prevention of Corruption Act without the order of the Magistrate and are also competent to make any arrest. FIR can also be lodged with State Vigilance Bureau as are normally lodged. There would be no illegality in lodging FIR with State Vigilance Bureau. In these circumstances, the impugned order cannot be said to be suffering from any infirmity, as the State Vigilance Bureau is fully competent to record FIR and to investigate the matter or to make any arrest. The petition is sans merit and is hereby dismissed.

21.02.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**