

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

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**CWP-23479-2019 (O&M).
Date of Decision: 10.10.2023.**

RAJ KUMAR

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Ms. Safia Gupta, AAG, Haryana, for respondents No.1 to 3.

Mr. Chanderhas Yadav, Advocate, for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for seeking directions to the respondents to apply for grant of necessary sanction for prosecution of the private respondent No.4 who was then working as Drug Control Officer.

Learned counsel appearing for the petitioner does not dispute the fact that respondent No.4 was initially not nominated as an accused in the said case and was sought to be summoned only in exercise of powers under Section 319 Cr.P.C. The concerned official i.e. Poonam son of Roshan Lal had been prosecuted in CIs No.PC-03-207 and vide judgment dated 22.09.2022, he stands acquitted. No appeal against the above said

judgment of acquittal has been preferred and the said judgment has become final.

Since the prosecution has failed to establish its case against the principal accused, I find that the issue before this Court in seeking prosecution of above said person sought to be summoned as an additional accused in exercise of the powers under Section 319 Cr.P.C. as academic.

In view of the subsequent developments noticed above including the acquittal of the principal accused, I find that there are no justifiable reasons issuing the writ as prayed for and directing prosecution of respondent No.4 as sought by the petitioner.

The present petition is accordingly dismissed.

October 10, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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