

CRM-24608-2023;
CRM-24613-2023 in/and
CRR-1492-2021 (O&M)
Date of Decision:-01.06.2023

Sarbjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.V.Sharma, Senior Advocate with
Mr. Manbir Singh, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Surjit Kumar.

GURVINDER SINGH GILL, J.(Oral)

CRM-24608-2023

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 11.7.2023 and is taken on Board today itself.

CRM-24613-2023

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of order dated 18.8.2021 and certified copy of order

dated 25.8.2021 are taken on record as Annexures A-1 and A-2, subject to all exceptions.

CRR-1492-2021 (O&M)

1. The short point raised in this revision petition is that while the sanction was accorded in the present case for prosecuting the petitioner vide order dated 24.6.2022 whereas the cognizance was taken by the trial Court on 25.8.2021.
2. Section 19 of Prevention of Corruption Act imposes an absolute embargo upon taking cognizance without a prior sanction to prosecute a public servant. In these circumstances, the proceedings qua the petitioner would be non-est in the absence of a sanction order. Consequently, the proceedings qua the petitioner are set aside and the trial Court is directed to consider the matter afresh and to pass a fresh order while considering the question as to whether the charges are required to be framed against the petitioner or not.
3. Needless to mention, the 3 PWs who are stated to have already been examined would be required to be examined again if de-novo trial is initiated. It is made clear that the petitioner would be at liberty to raise the question as regards the “validity” of the sanction order during the trial after evidence has been led.
4. The petition stands disposed of accordingly.

01.06.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No