

CRM-M-44582-2023 (O&M)
Date of decision: 06.09.2023

Rajinder Pal Mittal and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mansur Ali, Advocate and
Mr. Tushar Madaan, Advocate
for the petitioners.

Mr. Gurmeet Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
06	07.06.2018	Vigilance Bureau, Flying Squad 1, Punjab at Mohali, District S.A.S. Nagar Mohali	Sections 13(1)(d) read with Section 13(2) of Prevention of Corruption Act and Sections 409, 420, 467, 468, 471, 120-B IPC

CRM-37496-2023

Allowed, as prayed for.

Main case

1. Seeking quashing of the above said FIR, the petitioners have come up before this Court under Section 482 CrPC.
2. Although the State is represented but in the given facts, reply will be called only when the petitioners make out a case for calling of the reply.
3. Petitioners are facing prosecution on the allegations that the stationery was not supplied by him however the money was claimed. The petitioners’ main grievance is that a letter/report dated 29.09.2021 (Annexure P-3), was written by the Joint Director (Crimes) for Chief Director, Vigilance Bureau, Punjab, in which it has been mentioned that out of five bills, of which the payments had been claimed, during the investigation

the petitioners’ firm had provided complete material for four bills to the office of Block Development and Panchayat Officer-cum-Panchayat Samiti Kharar.

4. Petitioners’ counsel submits that in the said report, regarding 5th bill No.1405 dated 17.09.2016, which was pertaining to flex board, it was specified that the said board had been installed in the villages. It is also submitted that record is available in the resolution book and other documents from the Panchayat of villages. After the said report by the Joint Director, prosecution did not proceed further and did not collect resolution books and other documents from panchayats of villages and launched prosecution against the petitioners.

5. The Court’s before which the prosecution has been launched and report under Section 173 CrPC has been filed, is competent enough to order for further investigation in this regard, as such, it is not a case of quashing of the entire FIR simply because out of 5 bills, four were found to have been paid and regarding 5th bill, Joint Director had asked to the investigator to collect resolution books and other documents from panchayats, which were not collected by the investigator.

6. Thus, in the given facts, no reply is required from the State and the petition is disposed of with the above said clarification. It is clarified that the concerned Court which is seized of the matter, shall look into the report dated 29.09.2021 (Annexure P-3) and shall be at liberty to order further investigation in this regard. Pending applications, if any, stand disposed of.

7. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

(ANOOP CHITKARA)
JUDGE

06.09.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.