

CWP-27953-2022 &  
CWP-3061-2025

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2025:PHHC:046217



107+214

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

**CWP-27953-2022**

**Date of Decision:04.04.2025**

**ALOK PANT**

..... Petitioner

*Versus*

**STATE OF HARYANA AND OTHERS**

..... Respondents

**2)**

**CWP-3061-2025**

**NASEER AHMAD**

.....Petitioner

*Versus*

**STATE OF HARYANA AND OTHERS**

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. R.K. Handa, Advocate with  
Ms. Gauri Handa, Advocate,  
Mr. Dharambir Bhargav, Advocate and  
Mr. Kulwinder Bhargav, Advocate  
for the petitioner(s).

Mr. Raman Sharma, Addl. AG, Haryana with  
Ms. Rajni Gupta, Addl. AG, Haryana.

Mr. Ghulam Nabi Malik, Advocate  
for respondents No.3 and 4 in both cases.

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**JAGMOHAN BANSAL, J. (Oral)**

1. By this common order CWP-27953-2022 and CWP-3061-2025 are disposed of since issues involved in the above captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-27953-2022.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of sanction order dated 17.01.2022 (Annexure P-8) whereby respondent has granted sanction to prosecute the petitioner in FIR No. 10 dated 19.11.2020 under Sections 7 and 13 of the Prevention of Corruption Act, 1988 (for short, 'PC Act') registered at Police Station State Vigilance Bureau, Rohtak, District Rohtak.

3. The petitioner joined Haryana Waqf Board on 04.07.1994 as Clerk. He, in September' 2014, was promoted to the post of Estate Officer in District Waqf Office, Haryana Waqf Board, Rohtak. An FIR No. 10 dated 19.11.2020 under Sections 7 and 13 of the PC Act, at Police Station State Vigilance Bureau, Rohtak, District Rohtak came to be registered against him and Naseer Ahmad (Rent Collector). The said FIR was registered on the complaint of Harish Kumar who was in possession of land owned by Waqf Board. As per said FIR, the petitioner and his co-accused demanded money from Harish Kumar who reported the matter to Vigilance Bureau. Both the accused were caught alongwith a sum of Rs.50,000/- which was allegedly paid by Harish Kumar to favour him. The money was recovered from the Office of Waqf Board and they were also arrested in the office. The respondent, in terms of Section 19 of PC Act, requested the Competent Authority to accord sanction to prosecute petitioners. The Competent Authority constituted a Fact Finding Team which submitted its report on 25.03.2021 (Annexure P-7). On the basis of report, prosecution sanctioning authority came to a conclusion that it was a case of conspiracy and *mala fide* intention on the part of complainant. The official had issued receipt of Rs.50,000/- still he



was arrested alongwith co-accused. With these observations, he requested Vigilance Bureau to re-examine the matter and cancel the FIR as well as return confiscated money to the Board. The contents of communication dated 25.03.2021 (Annexure P-7) are reproduced as below:

*“Sub: Request for re-examination & enquiry and cancelling regarding, of FIR No.10 dated 19.11.2020-regarding,*

*Dear Aggarwal Ji,*

*Kindly refer to the letter No.67/SVB (H) RTK, dated 18.01.2021 received from the Superintendent of Police, State Vigilance Bureau(H), Rohtak Range, Rohtak on the subject cited above. The same has been examined and considered. The Board has got the matter enquired by deputing a three-member Fact-Finding Team constituted vide this office order No.3(310)/Estb.II/HWB/Vol.11/94/2021/2261-63, dated 19.02.2021. The Fact-Finding Team has submitted his report on 15.03.2021 (copy enclosed).*

*On examined, it has been found that on 19.11.2020, a case was registered by the State Vigilance Bureau, Rohtak against two officials of the Haryana Waqf Board namely: Sh. Alok Pant; Estate Officer and Naseer Ahmed, Officiating Rent Collector vide FIR No.10 dated 19.11.2020.*

*The report of the Facts Finding Team revels that officials arrested were innocent as they have been falsely implicated in the said case on basis of false and fabricated allegations made by an encroacher of the Waqf property, named Harish Kumar. The said Harish Kumar, complainant is an encroacher of a prime Waqf property measuring 235 sq. yards, part of Kh.No.520 (7K-5M) situated at Sawan Chungi, Farmana Road, Meham. During spot inspection of the said Waqf*



*property by the Rent Collector, Meham in the first week of November, 2020 it was found that the said Harish Kumar, complainant was raising illegal and un-authorized construction over there. The Rent Collector asked him to stop illegal construction and become lawful lessee of the Board. But he never stopped the construction work. In order to restrain him for raising illegal constructions, he asked him to appear in the Board's office with Bank Draft in favour of the Haryana Waqf Board.*

*But on 19.11.2020 at about 6.00PM, the said Harish Kumar came to the Waqf Board Office at Rohtak with ulterior motives and hatched conspiracy and offered Cash of Rs.50,000/-of instead of Bank Drafts and insisted him to accept the same. Immediately, the Rent Collector, Meham (Rohtak) issued receipt vide No.41/96 dated 19.11.2020 for the cash amount as earnest money, by the time, the Vigilance Team Conducted raid in the office and made arresting of both the officials.*

*In a clandestine manner, in gross violation of Section 561 & 52-A of the Waqf Act, 1995 with ulterior motives in collusion with one Amit Saini, Advocate, the complaint illegally got transferred Waqf land with intention to grab it without any jurisdiction and authority and thus committed offence of alienating a prime Waqf property.*

*This all has happened under the conspiracy and mala fide intention of the complaint for his vested interests. Though, the officials repeatedly pleaded that the alleged amount did not tantamount to illegal gratification as the receipt had been issued in lieu of the same, but the Vigilance Team did not pay any heed towards their request and they were taken to the*



*Police Station alongwith cash of Rs.50,000/-, hence the confiscated amount/money has become the part of Board funds.*

*I shall be grateful, if you kindly look into the matter and issue suitable instructions to the concerned official to re-exam the whole matter and to cancel the FIR No.10 dated 19.11.2020 lodged against the officials of the Board namely, S/Sh. Alok Pant, EO and Naseer Ahmed, Officiating Rent Controller and also return the confiscated money of Rs.50,000/- to the Board please.*

*With warm regards,*

*Yours faithfully,  
Sd/-  
(M. Shayin, IAS)”*

4. The respondent-Vigilance Bureau again asked the Waqf Board to grant sanction. The respondent-Chief Executive Officer vide communication dated 17.01.2022 (Annexure P-8) accorded sanction to prosecute the petitioners. The relevant extracts of communication dated 17.01.2022 (Annexure P-8) are reproduced as below:

*“To  
The Dy. Inspector General of Police,  
State Vigilance Bureau,  
Rohtak Range, Rohtak.*

***Subject:- Sanction for prosecution in case FIR No. 10, dated 19.11.2020 of U/s 7,13 PC Act, 1988 registered in Police Station, State Vigilance Bureau, Rohtak against Sh. Alok Pant, Estate Officer, Rohtak and Sh. Naseer Ahmed, Officiating Rent Collector, Meham (Rohtak) -regarding.***

*This has reference to your letter bearing No.1457, dated 12.10.2021 on the subject cited above, vide which it has been desired to grant concurrence*



*from the competent authority of Haryana Waqf Board in the case under reference for prosecution. The officials have already been granted bail by the Court. The matter is pending in the Court.*

*In reference to the letter No. 67/SVB(H)-RTK, dated 18.01.2021 received from the SP, SVB, Rohtak, the Haryana Waqf Board wrote a DO letter to the DGP, State Vigilance Bureau, Haryana vide No.3(310)/Estab.111/94/HWB/Vol.II-2660, dated 25.03.2021 requesting for re-examination & enquiry and cancelling the FIR No. 10, dated 19.11.2020, but on re-examination of the case, the State Vigilance Bureau has rejected the demand of the Waqf Board regarding cancellation of the said FIR and again sought necessary prosecution sanction vide their letter dated 12.10.2021*

*Now, I, Mohd. Shayin, IAS, Chief Executive Officer, Haryana Waqf Board on behalf of the Administrator, Haryana Waqf Board, being competent authority to hereby accord sanction for the prosecution of the above named officials i.e. Sh. Alok Pant, Estate Officer and Sh. Naseer Ahmed, Officiating Rent Collector for the said offence committed while their posting as Estate Officer and Rent Collector at Rohtak & Mehma respectively for taking cognizance of the aforesaid offence in the Court of competent jurisdiction.*

*This issues with the approval of the Worthy Administrator, Haryana Waqf Board. A copy of detailed sanction order is enclosed herewith.*

*Encls:-As above.*

*(M. Shayin, IAS)  
Chief Executive Officer”*

5. Mr. R.K. Handa, Advocate for the petitioner(s) submits that



at the first instance Competent Authority refused to grant sanction, thus, successive officer could not grant sanction. There is no provision to reconsider the matter. Once sanction is declined, there is no question to accord sanction on the request of prosecution agency.

6. *Per contra*, Mr. Raman Sharma, Addl. AG, Haryana and Ms. Rajni Gupta, Addl. AG, Haryana submit that communication dated 25.03.2021 (Annexure P-7) cannot be considered as rejection of sanction. The officer concerned had asked to reconsider the matter. It cannot be called as rejection of sanction.

7. On 18.03.2025, the following order was passed by this Court:

*“From the perusal of order dated 25.03.2021 of Sanctioning Authority, it comes out that Sanctioning Authority was of the opinion that Rent Controller had issued receipt of Rs.50,000/- still he was arrested alleging demand of bribe. Rs.50,000/- which was alleged to be bribe money was actually fee which complainant had deposited on account of allotment of a plot owned by Wakf Board. The Sanctioning Authority prior to passing said order had obtained opinion of Fact Finding Team.*

*The Sanctioning Authority vide impugned order dated 17.01.2022 has granted sanction to prosecute the petitioner. In the impugned order there is no discussion about receipt alleged to be issued by petitioner. Faced with this, Ms. Rajni Gupta, Addl. A.G., Haryana seeks time to assist the Court on the question of alleged receipt of Rs.50,000/-.*

*Adjourned to 04.04.2025.”*

8. Mr. Raman Sharma, during the course of hearing, produced



receipts issued by Waqf Board authorities. From the perusal of receipts, it comes out that there is receipt No.96 (Book No.41) on record. The said receipt was signed by Rent Collector, however, it was not signed by Estate Officer. It was allegedly issued on the date of search and arrest of the petitioners. The foundation of communication dated 25.03.2021 (Annexure P-7) was aforesaid receipt and Chief Executive Officer while according sanction by impugned order has not considered said receipt. He, during the course of hearing, also confirmed that conversation of petitioners with complainant was recorded and report of FSL is still awaited.

9. On the asking of Court, Mr. Raman Sharma confirmed that no *panchnama qua* seizure of alleged receipt book was prepared by Vigilance Officer at the time of search. The foundation of communication dated 25.03.2021 is receipt allegedly issued by petitioner. The Chief Executive Officer while according sanction has not considered said receipt.

10. As per petitioner, the Competent Authority, at the first instance has rejected request of the respondent seeking sanction and opinion of respondent is otherwise.

This Court finds that officer concerned recorded his opinion *qua* facts of the case, however, did not decline sanction but asked the authorities to look into the matter and re-examine the whole case. It cannot be concluded that there was rejection of sanction, thus, matter could not be reconsidered by Vigilance Bureau or authority competent to grant sanction. The Chief Executive Officer, Waqf Board who is Competent Authority could reconsider issue of sanction under Section 19



of PC Act.

11. This Court further finds that as per allegations, there was recording of conversation between the parties and report of FSL is still awaited.

The Chief Executive Officer has granted sanction without considering alleged receipt and report of FSL with respect to conversation between the parties. The matter needs to be re-examined by said officer, accordingly, order dated 17.01.2022 (Annexure P-8) is hereby set aside with liberty to Chief Executive Officer to reconsider the matter. This Court is not oblivious of the fact that as a matter of routine, Court should not interfere in the prosecution sanction order, however, facts of the instant case are peculiar, thus, this Court finds it appropriate to invoke its writ jurisdiction under Article 226 of the Constitution of India.

12. It would be in the interest of justice and fitness of things, if FSL, Madhuban submits its report with respect to conversation between the parties at the earliest and preferably within two months from today.

13. Disposed of in above terms.

( JAGMOHAN BANSAL )  
JUDGE

04.04.2025  
*Ali*

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