

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-56380-2025
Reserved on: 29.10.2025
Pronounced on: 07.11.2025

BHUPINDER SINGH HOODA

...Petitioner(s)

Versus

CENTRAL BUREAU OF INVESTIGATION

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R. S. Cheema, Senior Advocate and
Mr. Pardeep Singh Poonia, Senior Advocate with
Ms. Sumanjit Kaur, Advocate,
Ms. Tarannum Cheema, Advocate and
Mr. Satish Sharma, Advocate
for the petitioner.

Mr. Ravi Kamal Gupta, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J.

The petition has been filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, (BNSS) for quashing the orders dated
19.09.2025, Annexures P-1 and P-2, passed by the Special Judge, CBI,
Panchkula, whereby the petitioner's application seeking postponement of trial
proceedings has been dismissed, and the case has been fixed for framing of
charge against the accused, including the petitioner, in whose favour no stay
has been granted by the Supreme Court, in case FIR no. RCCHG 2015A0019
dated 15.09.2015, under Sections 420, 471 and 120-B of the Indian Penal
Code, 1860 (IPC), and Section 13(1)(d) read with 13(2) of the Prevention of

Corruption Act, 1988, (PC Act) titled *CBI v. Bhupinder Singh Hooda and others*.

2. An FIR no.510, dated 12.08.2015, under Sections 420, 465, 467, 468, 471 and 120-B IPC and Section 13 PC Act, was registered at Police Station Manesar, District Gurugram, for dropping the acquisition proceedings of land acquired by the State Government. Investigation of the case was transferred to the respondent/Central Bureau of Investigation (CBI) on 14.08.2015, which registered the case in question dated 15.09.2015, Annexure P-3. Final report/chargesheet, dated 01.12.2018, under Section 173 Cr.P.C. was presented before the Special Judge against the petitioner, along with other accused, for commission of offences punishable under Sections 420, 120-B IPC and Section 13(1)(d) read with 13(2) PC Act. The arguments on the point of framing of charge against the petitioner and other accused were heard and the prayer for discharge of the accused was declined by the trial Court vide order dated 01.12.2020. By the same order, five prosecution witnesses were summoned as additional accused in the case. Separate petitions were filed by seven accused, excluding the petitioner, namely, Murari Lal Tayal (A-2), Chattar Singh (A-3), Sudeep Singh Dhillon (A-4), Jaswant Singh (A-5), Anil Kumar Batra (A-23) and Frontier Home Development Limited, Guru Nanak Infrastructures Developers Private Limited (A-31), challenging the order dated 01.12.2020, directing framing of charge. The five additional accused, namely Rajeev Arora, Surjit Singh, Dhare Singh, Kulwant Singh Lamba and D. R. Dhingra, also filed separate petitions before this Court challenging the order summoning them. Both batches of petitions were finally dismissed vide

separate orders passed by this Court on 15.05.2025, Annexure P-5. The trial remained stayed till passing of these orders. Both the orders were challenged before the Supreme Court by way of separate SLPs by the co-accused, and further proceedings before the trial Court were stayed vide separate orders passed between 29.05.2025 to 22.09.2025, Annexure P-6, *qua* accused A-2 to A-5, as also the additional accused. In these circumstances, the petitioner filed an application before the trial Court for postponement of proceedings primarily on the ground that due to the stay charges cannot be framed against him alone as all of them are accused of conspiracy on the same set of allegations, and even the additional accused are part of this conspiracy. The application was, however, dismissed vide the impugned order dated 19.09.2025, and the case was fixed for framing of formal charge on 30.10.2025 against the petitioner and other accused in whose cases stay was not granted by the Supreme Court.

3. In this factual background, learned senior counsel for the petitioner has contended that allegations against the petitioner involve a single transaction. He statedly conspired with government functionaries, accused A-2 to A-5, and others in deliberately allowing the land acquisition proceedings to lapse. As the trial against co-conspirators, A-2 to A-5, has already been stayed, charge cannot be framed against the petitioner alone, nor can the trial proceed. The evidence against all these accused is common, and none of the witnesses can be examined in the absence of either of them. Secondly, he has submitted that the trial Court has failed to exercise the jurisdiction vested in it under Section 309 Cr.P.C. (Section 346 BNSS), which

empowers the Court to adjourn the proceedings for valid reasons. There cannot be a better case for adjournment as no charge can be framed against the petitioner in the circumstances explained above.

4. *Per contra*, learned counsel for the respondent/CBI contends that there is no infirmity in the order passed by the trial Court rejecting the petitioner's application for postponement of proceedings, as the order dated 01.12.2020 declining his prayer for discharge has not been challenged. Further, the Supreme Court has not granted stay of trial proceedings *qua* the petitioner, as has been the case with some other accused who filed SLPs before the Court which are pending consideration. The case in question was registered pursuant to directions issued by the Supreme Court in *Rameshwar and others v. State of Haryana and others*, (2018) 6 SCC 215, and postponement of proceedings would only delay the trial which will be in violation of the directions. Still further, he has placed reliance upon the judgment in *Satya Narayana Sharma v. State of Rajasthan*, (2001) 8 SCC 607, holding that trial in cases under the PC Act cannot be stayed by the High Court even in exercise of inherent jurisdiction under Section 482 Cr.P.C., as there is a specific bar against it under Section 19(3)(c) of the Act.

5. Submissions made by learned counsel for the parties have been considered.

6. The petitioner is accused of committing offences under Sections 420, 120-B IPC and Section 13(1)(d) read with 13(2) PC Act, for dropping the land acquisition proceedings in the aforementioned FIR. The allegations are that he being the Chief Minister and other senior functionaries of the

Government, i.e., Principal Secretary to Chief Minister (A-2), Additional Principal Secretary to Chief Minister (A-3), Director, Town and Country Planning Department (A-4) and District Town Planner (HQ), Town and Country Planning Department (A-5), in conspiracy with each other, and other co-accused, deliberately allowed acquisition proceedings of the land at Manesar to lapse by ensuring that the award determining compensation is not passed within the statutorily prescribed period. Before that the land owners were forced to sell their land holdings in panic on the threat of acquisition by the Government for public purposes, and after abandonment of the acquisition proceedings, various licenses and permissions for change of land use (CLUs) were issued to ineligible builders/applicants. This caused huge loss to the State exchequer as well as the land owners, and wrongful gain to private builders/entities/accused. After presentation of the final report/chargesheet dated 01.12.2018, the petitioner filed an application before the trial Court seeking discharge which was dismissed vide order dated 01.12.2020, directing framing of charge against him as well as other accused. The petitioner never challenged the order, though it was challenged by some of the co-accused, including A-2 to A-5, before the High Court by filing separate petitions. The trial remained stayed during pendency of the petitions. The same were finally dismissed vide orders dated 15.05.2025, which are under challenge before the Supreme Court in separate SLPs; stay has been granted on proceedings before the trial Court only in those cases. Taking a cue, the petitioner also sought postponement of proceedings before the trial Court which has been declined on the ground that there is no stay on proceedings

against him. The contention by Mr. Cheema that in the absence of co-conspirators — as trial *qua* them has been stayed — the petitioner cannot be charged for conspiracy, is without substance. It is because the petitioner himself has not challenged the order, dated 01.12.2020, declining his application for discharge. It has attained finality *qua* him, leaving no option with the trial Court but to frame the charge. He cannot be permitted to impede the obvious outcome of that order by alluding to an interim order of stay granted in favour of the co-accused. His attempt to do so is imprudent and clearly an afterthought as he has accepted the order directing framing of charge against him, dated 01.12.2020. Besides, stay of trial against the co-accused cannot be a ground to postpone the trial against the petitioner as well, since despite this stay charge can be framed and evidence can be recorded. He is not accused of the offence of conspiracy alone, other offences under the IPC and the PC Act are also there. In case the SLPs against the co-accused are to be finally dismissed, they can be charged separately and evidence can then be taken against them; and in case their SLPs are to be allowed, it will have consequence only for the offence of conspiracy so far as the petitioner is concerned. Accordingly, framing of charge and proceeding with the trial will not cause any prejudice to the petitioner. In this view of the matter, the second argument by Mr. Cheema also loses steam as it cannot be said there exists any valid reason for the trial Court to adjourn the proceedings by invoking the powers vested under Section 346 BNSS.

7. Further, as laid down in *Satya Narayana Sharma* case *ibid.*, trial of cases under the PC Act cannot be stayed by the High Court in exercise of

its inherent jurisdiction. It is apt to refer to following observations of the Court in this regard:

13. We find that what has happened in this case is happening in a large number of matters. Corruption in public offices is becoming rampant. When public servants are sought to be prosecuted under the said Act, by filing revisions under Section 397 Criminal Procedure Code, 1973 or by filing petitions under Section 482 Criminal Procedure Code, 1973 stay of the trials are obtained and parties successfully manage to delay the trials. The stays are granted by Courts without considering and/or in contravention of Section 19(3)(c) of the said Act. This has an adverse effect on combating corruption amongst public servants. It has therefore become necessary to reiterate the law. We have thus heard this Petition only on the question of law as to whether or not trials under the Prevention of Corruption Act could be stayed.

14 to 23 xxx xxx xxx

24. We see no substance in the submission that Section 19 would not apply to a High Court. Section 5(3) of the said Act shows that the Special Court under the said Act is a Court of Session. Therefore the power of revision and/or the inherent jurisdiction can only be exercised by the High Court.

25. Thus in cases under the Prevention of Corruption Act there can be no stay of trials. We clarify that we are not saying that proceedings under Section 482 of the Criminal Procedure Code cannot be adapted. In appropriate cases proceedings under Section 482 can be adapted. However, even if petition under Section 482 Criminal Procedure Code, 1973 is entertained there can be no stay of trials under the said Act. It is then for the party to convince the concerned Court to expedite the hearing of that petition. However, merely because the concerned Court is not in

a position to take up the petition for hearing would be no ground for staying the trial even temporarily.

8. In view of the discussion, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

07.11.2025
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>