



CWP-8972-2026

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

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CWP-8972-2026

Date of Decision: 27.03.2026

Manjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Mansur Ali, Senior Advocate with
Mr. Tushaar Madaan, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of communication dated 02.08.2025 and memo dated 08.10.2025 along with sanction order dated 03.10.2025. He is further praying that impugned communication/memo may be stayed and trial be transferred to another Judge.

2. The petitioner superannuated as Naib Tehsildar from the Revenue Department, Government of Punjab. He was implicated in FIR No.1 dated 10.02.2017 under Sections 409, 420, 467, 468, 471, 120-B & 201 of Indian Penal Code, 1860 (for short 'IPC') and Section 13(1)(d) of Prevention of Corruption Act, 1988 (for short 'PC Act') registered at Police Station Economic Offence Wing Punjab, Vigilance Bureau, Ludhiana. Vigilance Bureau, Punjab sought sanction from Secretary, Vigilance Department vide letter dated 12.01.2024 to prosecute the accused including the petitioner. Respondent No. 2-Additional Sessions Judge-cum-Special Judge, vide letter dated 02.08.2025 asked Chief Secretary to expedite the

matter. Respondent No.4 vide order dated 03.10.2025 accorded sanction to



prosecute the petitioner before the trial Court which was communicated vide letter dated 08.10.2025. Action of respondent No.2 asking expedited disposal is claimed to be bad in the eye of law and against the precedent set by Hon'ble Supreme Court.

3. Learned Senior counsel for the petitioner submits that respondent No.4-Additional Chief Secretary-cum-Financial Commissioner (Revenue) has accorded sanction under Section 19 of PC Act read with Section 197 Cr.P.C on account of persistent pressure and administrative letters authored by learned Additional Sessions Judge-cum-Special Judge, Ludhiana. Learned Additional Sessions Judge-cum-Special Judge, on account of delay in adjudicating application seeking sanction, could pass judicial order, however, he had no power to write letters to competent authority on the administrative side. Action of learned Additional Sessions Judge-cum-Special Judge was bad in the eye of law. It is not even permitted rather proscribed under High Court Rules & Orders. The prosecuting agency sought permission under Section 19 of PC Act. Section 19 has been amended w.e.f. 26.07.2018. As per amended Section, no request for sanction can be made by a person other than a police officer or an officer of an investigating agency or other law enforcement authority. The complainant may apply for sanction subject to terms and conditions underscored in proviso to Section 19(1). As per second proviso to Section 19(1), the competent authority is required to grant opportunity of hearing where application seeking sanction is filed by any person other than investigating agency. The respondent has granted sanction without granting him opportunity of hearing. The competent authority has further mechanically passed impugned order granting sanction.



4. Learned State counsel submits that there was procedural lapse on the part of State/Authorities. Despite expiry of many months, application seeking sanction was not adjudicated. The competent authority has granted sanction not on the application of learned Additional Sessions Judge-cum-Special Judge but application of prosecuting agency.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner along with other accused was implicated in FIR No.1 dated 10.02.2017 under Sections 409, 420, 467, 468, 471, 120-B & 201 of IPC and Section 13(1)(d) of PC Act. The investigating agency completed investigation and filed police report before learned Additional Sessions Judge-cum-Special Judge on 18.12.2023. The investigating agency vide letter dated 12.01.2024 requested competent authority to grant sanction as per Section 19 of PC Act read with 197 of Cr.P.C. The competent authority as usual slept over the matter. As police report was filed, the trial Court was duty bound to proceed with the matter, however, in the absence of sanction, cognizance could not be taken against Government Servant who was one of the accused. The Judicial Officer under the pressure of adjudication of cases as per action plan as well as judgments of Courts directing adjudication of cases under PC Act expeditiously, instead of making observation in the judicial order, vide letter dated 02.08.2025 followed by letter dated 08.10.2025 asked Chief Secretary to adjudicate application seeking sanction filed by prosecuting agency. The procedure followed by learned Additional Sessions Judge-cum-Special Judge was not as per judicial precedents and High Court Rules & Orders, however, this Court feels that consistent inaction of State Government



and cry regarding corruption, however, after filing police report under Section 173 Cr.P.C, matters are withheld at the stage of sanction. In the instant case, application seeking sanction was filed by prosecuting agency on 12.01.2024 and was finally granted on 08.10.2025 i.e. after more than 20 months.

7. Learned Senior counsel for the petitioner claims that as per proviso to Section 19, sanction cannot be granted on the application of any person other than investigating agency. He is further claiming that competent authority was required to grant opportunity of hearing. Argument of petitioner is misconceived. It is true that as per proviso unless conditions enumerated therein are complied with, sanction cannot be granted on the application filed by any person other than investigating agency, however, in the instant case learned Additional Sessions Judge-cum-Special Judge had not filed application seeking sanction to prosecute the accused whereas application was filed by prosecuting agency and he, under the pressure of expeditious disposal of cases, had asked Chief Secretary to adjudicate application of investigating agency. As there was no application by any person other than investigating agency, there was no question of granting opportunity of hearing to the petitioner.

8. There is another aspect of the matter which needs to be taken care of. Third proviso to Section 19(1) of PC Act provides that appropriate Government shall make endeavour to convey its decision within a period of three months from the date of receipt of proposal. Section 218 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') which is replica of Section 197 of Cr.P.C provides that Government shall take decision within



do so, the sanction shall be deemed to have been accorded by such Government. Relevant extracts of Section 218(1) of BNSS and 19(1) of PC Act read as:

Section 218(1) of Bharatiya Nagarik Suraksha Sanhita, 2023

“218. Prosecution of Judges and public servants.—(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction save as otherwise provided in the Lokpal and Lokayuktas Act, 2013 (1 of 2014)—

- (a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union, of the Central Government;*
- (b) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of a State, of the State Government:*

Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted:

Provided further that such Government shall take a decision within a period of one hundred and twenty days from the date of the receipt of the request for sanction and in case it fails to do so, the sanction shall be deemed to have been accorded by such Government:



Provided also that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 64, section 65, section 66, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79, section 143, section 199 or section 200 of the Bharatiya Nyaya Sanhita, 2023.”

Section 19(1) of Prevention of Corruption Act, 1988

19. Previous sanction necessary for prosecution.—

(1) No court shall take cognizance of an offence punishable under sections 7, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction save as otherwise provided in the Lokpal and Lokayuktas Act, 2013—

- (a) in the case of a person who is employed, or as the case may be, was at the time of commission of the alleged offence employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;*
- (b) in the case of a person who is employed, or as the case may be, was at the time of commission of the alleged offence employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;*
- (c) in the case of any other person, of the authority competent to remove him from his office:*

Provided that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for the previous sanction of such Government or authority for taking cognizance by the court of any of the offences specified in this sub-section, unless—



- (i) *such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and*
- (ii) *the court has not dismissed the complaint under section 203 of the Code of Criminal Procedure, 1973 (2 of 1974) and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding:*

Provided further that in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant:

Provided also that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant under this sub-section, endeavour to convey the decision on such proposal within a period of three months from the date of its receipt:

Provided also that in case where, for the purpose of grant of sanction for prosecution, legal consultation is required, such period may, for the reasons to be recorded in writing, be extended by a further period of one month:

Provided also that the Central Government may, for the purpose of sanction for prosecution of a public servant, prescribe such guidelines as it considers necessary.

Explanation.—For the purposes of sub-section (1), the expression “public servant” includes such person—

- (a) *who has ceased to hold the office during which the offence is alleged to have been committed; or*
- (b) *who has ceased to hold the office during which the offence is alleged to have been committed and is holding an office other than the office during which the offence is alleged to have been committed.”*

[Emphasis Supplied]

9. From the perusal of above-quoted Sections, it is evident that that Authorities, at the most, can withhold sanction for 120 days from the date of receipt of proposal. In the present case, proposal was received on 12.01.2024 and 120 days expired on 12.05.2024. There was deemed sanction under Section 218 BNSS though under Section 19 of PC Act there was no deemed sanction. The Government under Section 19 of PC Act has been asked to endeavour to grant sanction within 3 months, however, provision is not mandatory and consequences are not prescribed. In any case, the said three months period cannot be stretched for years which has happened in the present case.

10. In the wake of above discussions and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.03.2026
Mohit Kumar

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