



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

211

CWP-7649-2018 (O&M)
Date of Decision: 22.04.2026

SHILPY PATTAR DUTT

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. J.S. Toor, Senior Advocate assisted by
Mr. Adhiraj Toor, Advocate,
Mr. B.R. Rana, Advocate and
Mr. Jasbir Singh, Advocate for petitioner

Mr. Ravish Kaushik, Additional Advocate General, Haryana

Mr. Prateek Gupta, Advocate
For respondent No.3 (CBI)

Mr. Ashish Rawal, Advocate
For respondent No.4 (U.T.)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 11.10.2017 whereby respondent has granted sanction to prosecute the petitioner.

2. The petitioner is a Haryana Government Civil Servant. She was implicated by Central Bureau of Investigation (for short 'CBI') in FIR No.08 dated 05.08.2017 under Section 8 of Prevention of Corruption Act, 1988 (for short 'P.C. Act') read with Section 154 of Criminal Procedure Code, 1973 (for short 'Cr.P.C.') registered at Police Station CBI, ACB, CHG while she was posted as Sub Divisional Magistrate (E), U.T. Chandigarh. CBI



completed investigation and filed its report before trial Court. As per provisions of P.C. Act read with Cr.P.C., sanction of competent authority was required to prosecute the petitioner, accordingly, CBI moved an application before competent authority. The matter was put up before Chief Secretary, Government of Haryana who vide impugned order dated 11.10.2017 granted sanction in terms of Section 19 of P.C. Act read with 197 of Cr.P.C.

3. Learned counsel for the petitioner submits that petitioner is a promising and dedicated officer. She is one of the senior-most officers. She is likely to be promoted as an IAS Officer. The respondent who has granted sanction for prosecution was himself involved in a case of embezzlement of funds of more than Rs.220 crores. Investigating Agency did not recover alleged money from her custody. She was implicated because her father initiated proceedings against complainant. If prosecution is initiated against her, it would ruin her career. If she is acquitted at a later stage, the career lost would not be rekindled. She would suffer irreparable loss. The respondent has granted sanction mechanically. Office of Advocate General has opined that competent authority on the basis of fresh material may re-examine the matter.

4. *Per contra*, learned counsel for respondent submits that validity of sanction can be questioned during the course of trial. The petitioner would get opportunity to put forth her stand. There is no jurisdictional error in the impugned order. She was caught red-handed. It was a trap case.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that sanction to prosecute has been granted by Chief Secretary to Government of Haryana.

The petitioner is not disputing his jurisdiction. She is simply claiming that



Chief Secretary himself was later on found involved in the embezzlement of funds worth Rs.220 crores. The respondent has mechanically granted sanction. The fact that sanctioning authority was implicated in one or another case at a subsequent stage does not make his orders invalid unless it is established that order itself was bad in the eye of law. Thus, sanction granted by Chief Secretary cannot be rejected on the ground that he was implicated at a subsequent stage in one or another case. If contention of petitioner is accepted, every decision/order of Chief Secretary would become invalid. It is apt to notice that the Chief Secretary is not facing prosecution because no sanction was granted to prosecute him. The argument of petitioner that sanction was granted hurriedly i.e. within a week, is no ground to interfere. The petitioner would certainly get full opportunity to raise all the issues before the trial Court. She has right to cross-examine prosecution witnesses including sanctioning authority.

7. In the wake of above discussion and findings, this Court is of the considered opinion that petition deserves to be dismissed and accordingly dismissed. The petitioner is at liberty to raise all the issues before trial Court.

8. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

22.04.2026
SDK

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