105-2 CRM-M-22178-2023

SANDEEP SINGH VS STATE OF PUNJAB

Present: Mr. Sumeet Goel, Senior Advocate with
Mr. Samir Rathaur, Advocate and
Mr. A.K. Ramolia, Advocate
for the petitioner.

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[1]. Prayer in this petition has been made for quashing of the FIR No.1 dated 05.01.2023 registered under Sections 13(1)(A) read with Section 13(2) of the Prevention of Corruption Act, 1988 (as amended by the Prevention of Corruption (Amendment) Act, 2018 and Sections 409, 420, 465, 467, 468, 471, 120-B and 201 IPC at Police Station Vigilance Bureau, F.S. 1, Punjab at SAS Nagar along with all consequential proceedings arising therefrom.

[2]. Learned Senior counsel for the petitioner submits that in case of co-accused Parminder Singh, the Hon'ble Apex Court in Writ Petition(Criminal) No. 91 of 2023 has passed the order dated 05.04.2023. Paras 11 to 13 of the said order reads as under:-

> *11. The above facts do prima-facie make out a case for interference but looking into the fact that various factual aspects require consideration in depth, we deem it appropriate to relegate the petitioner or an other person who may be aggrieved in this regard to approach the High Court invoking its extra-ordinary jurisdiction conferred by Article 226 of the Constitution of India read with Section 482 Cr.P.C.*
>
> *12. We further request the High Court that in case any such petition is filed to take up the same for hearing and disposal including a prayer, if any, made for interim relief, in accordance with law expeditiously.*
>
> *13. Considering the peculiar facts and circumstances of this case, we further direct that all further proceedings*

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arising out of and emanating from the impugned FIR as well as coercive actions shall remain stayed for a period of four weeks from today. The extension of the interim relief granted by us or any other interim relief which may be warranted in the facts and circumstances of the case may be sought from the High Court, in case the aggrieved parties decide to approach the High Court."

[3]. With reference to the aforesaid, learned Senior counsel for the petitioner further submits that the Hon'ble Apex Court has granted indulgence for grant of interim relief for a period of four weeks, therefore, the same relief be also granted to the petitioner. The challan has already been presented.

[4]. Notice of motion.

[5]. Mr. Gaurav Garg Dhuriwala, Addl. A.G. Punjab accepts notice on behalf of the respondent on the basis of advance notice and seeks time to file response.

[6]. Learned State counsel further submits that the State has already filed an application for clarification in the Hon'ble Apex Court and the same is likely to be taken up very shortly.

[7]. In the interest of justice, adjourned to 18.05.2023.

[8]. Till the next date of hearing, the trial Court shall adjourn the proceedings beyond the date fixed by this Court.

[9]. Grant of interim order shall not be construed to be an opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE

04.05.2023

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