

313 CRM-M-49636-2017
Piyush Bansal Vs State of Punjab and others

Present: None for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Ms. Deepali Puri, Advocate for respondents No.5 and 6.

The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to direct official respondents No.1 and 2 to transfer of investigation in case FIR No.41 dated 09.06.2017 registered under Sections 279/304-A IPC, at Police Station Mulepu to some independent agency.

In compliance of the order dated 18.03.2024 passed by this Court, affidavit dated 19.03.2024 of Dr. Ravjot Grewal, SSP, Fatehgarh Sahib has been filed in Court today and the same is taken on record.

Ms. Deepali Puri, Advocate, who was earlier appearing on behalf of respondent No.6, has put in appearance on behalf of respondent No.5 as well, by filing her Memorandum of Appearance and prays for time to file power of attorney as well as reply.

From the perusal of the affidavit filed by SSP, Fatehgarh Sahib, it is apparent that the investigation in five criminal cases was delayed for about 11 years, as the sanction was awaited from PUDA/GMADA. It has been mentioned in para 5 of the affidavit submitted by SSP, Fatehgarh Sahib today in the Court that request letters were sent to the Chief Administrator, PUDA and Chief Administrator, GMADA, i.e., respondents No.5 and 6, respectively on 20.02.2024 for apprising them about the orders passed by this Court on 15.02.2024 and for providing the requisite sanction expeditiously, within two days. In furtherance whereof, GMADA has accorded sanction on 21.02.2024 for the following cases:

- (i) FIR No.28 dated 22.02.2013 under Section 36(1)(3) of PARPA Act registered at Police Station Sirhind;

- (ii) FIR No. 41 dated 20.02.2013 under Section 36(1)/36(3) of PAPRA Act and Section 420 IPC registered at Police Station Fatehgarh Sahib; and
- (iii) FIR No.43 dated 02.03.2013 under Sections 36(1)/36(3) of PAPRA Act and Section 420 IPC registered at Police Station Fatehgarh Sahib

However, PUDA has still not granted sanction in the following cases:-

- (i) FIR No.36 dated 15.04.2013 under Section 36(1)/36(3) of PAPRA Act registered at Police Station Amloh
- (ii) FIR No.64 dated 20.06.2013 under Section 36(1)/36(3) of PAPRA Act registered at Police Station Amloh.

From the affidavit submitted by the SSP Fatehgarh Sahib, it is apparent that every possible effort has been made by the officials of PUDA/GMADA to hamper the process of investigation, apparently under the influence of the accused in the said cases. It has also come to the notice of this Court that in number of cases, the process of investigation has been unreasonably delayed as the report/sanction was awaited from PUDA/GMADA, despite various reminders. Consequently, respondents No.5 and 6 are directed to submit the following information by way of their personal affidavits, positively by next date:-

- (i) Details of the FIR(s) including number, date, Sections, Police Station, in which the report/sanction was sought by the concerned police authority;
- (ii) Date of receipt of request from the concerned Police Station(s)/SSP(s)/any other police official(s);
- (iii) Name of the officer, who had received such information;
- (iv) Name of the officer, who dealt with the each file at different stages;
- (v) Date of supply of the report/sanction in each of such FIR

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(vi) Reasons for delay in supplying the record/information to the police; and

vii) Action, if any, taken against erring official(s), who delayed the supply of report/sanction in each case

List on 19.04.2024.

Personal appearance of Senior Superintendent of Police, Fatehgarh Sahib shall remain exempted till further orders.

19.03.2024

mks

(N.S. SHEKHAWAT)
JUDGE