

Present Sh. Gurvinderjit Singh, Public Prosecutor for the CBI
Sh. Preet Pal Singh Advocate and Ms. Avnidha Gupta
Advocate, counsel for the applicant Dr. Parikshit Bansal

1. This order pertains to the application, seeking permission to file objections/protest petition in the present case and also for supplying a copy of the report filed by the CBI under section 173 Cr.P.C. The file reveals that on 18.01.2021, Dr. Parikshit Bansal, through Ms. Avnidha Gupta Advocate, had filed the application under consideration, when his *locus standi* to contest the closure report was raised by the learned Public Prosecutor for the CBI. In his application, Dr. Parikshit Bansal mentions that he is the Ex. faculty of National Institute of Pharmaceutical Education and Research, Mohali and while working as a teaching faculty at the National Institute of Pharmaceutical Education and Research (NIPER), he witnessed large scale bungling of funds in 2010 which was meant for research and education of students due to which national interests were harmed. As a responsible citizen and teacher, he lodged various complaints to various authorities and when there was no response, he moved to the Hon'ble Punjab and Haryana High Court, Chandigarh, seeking directions to the CBI to conduct a detailed and thorough inquiry vide CWP No. 14537 of 2012. Thereafter, a preliminary inquiry was registered by the CBI and based on the evidence

produced during preliminary inquiry, the CBI director approved registration of the FIR which was subsequently registered as FIR No. RCCHG2016A0005 dated 14.01.2016 under sections 120-B read with sections 420, 409, 467, 471 of IPC and sections 13(2) read with section 13(1) (c) and 13 (1) (d) of the Prevention of Corruption Act, 1988. It is also mentioned in the application that Dr. Parikshit Bansal was summoned in the inquiry. Despite registration of the FIR, no person mentioned in the FIR was arrested and he again moved to the Hon'ble Punjab and Haryana High Court, Chandigarh vide CM No. 11650 dated 21.07.2017, seeking directions to the CBI to file chargesheet. Thereafter, status reports were presented before the Hon'ble High Court and assurances were given by the CBI that investigation would be completed within three months and accordingly, in view of the assurance, the petition was disposed of. Now, the petitioner had come to know that a closure report has been presented and he seeks permission to contest the same. Along with his application, the petitioner annexed the orders of the Hon'ble High Court.

2. The CBI in its written reply has contested the *locus standi* of the petitioner Dr. Parikshit Bansal on the grounds that the FIR was registered on source information and Dr. Parikshit Bansal was not the complainant of the case hence, he has no *locus standi* to be made a party in the present case. It was stated that as per the law laid down by the Hon'ble

Punjab and Haryana High Court, Chandigarh in '**Bhagwant Singh Vs. Commissioner of Police**' reported in 1985 (2) RCR (Criminal) 259, right is conferred on the informant to be heard before consideration of closure report and none else and as such, the applicant could not be allowed to file a protest petition.

3. I have heard Sh. Preet Pal Singh Advocate and Ms. Avnidha Gupta Advocate, learned counsel for the applicant Dr. Parikshit Bansal and Sh. Gurvinderjit Singh, learned Public Prosecutor for the CBI and I have carefully gone through the record.

4. A perusal of the final report under section 173 Cr.P.C. presented by the CBI in this case reveals that initially on the allegations of diversion of funds and procuring a software SCI-finder at exorbitant rates, investigation was conducted and it was closed by the CBI on the ground that midterm appraisal reports did not raise any adverse remarks against subscription of SCI-finder but thereafter, a civil writ petition No. 14537/2012 was filed by Dr. Parikshit Bansal of NIPER in the Hon'ble High Court, Chandigarh which led to initiation of preliminary inquiry No. PECHG2014A0010 dated 31.10.2014 and after completion of the inquiry, FIR was registered. Thus, from the chargesheet itself and the orders of the Hon'ble High Court, it is evident that the FIR was registered after Dr. Parikshit Bansal of NIPER filed the civil writ petition in the Hon'ble High

Court, raising allegations of diversion of funds and large scale bungling of funds meant for research and education of students. In fact, in the order of the Hon'ble High Court dated 29.09.2014 titled '*Dr. Parikshit Bansal Vs. Union of India Department of Pharmaceuticals and others*' bearing CWP No. 14537 of 2012 (O & M), the Hon'ble High Court has ordered as under:-

- “1. Learned counsel for the respondent No.6 says that the petitioner could not be present in the office on 30.09.2014 during office hours and they will proceed further on the basis of information given by the petitioner.*
- 2. The writ petition is disposed of in terms of statement given by respondent No.6. However, the petitioner is at liberty to approach this Court if any further action is necessary.”*

5. In the case in hand, the FIR technically may not have been lodged by Dr. Parikshit Bansal but it was definitely an outcome of his efforts. He filed the civil writ petition before the Hon'ble High Court which led to the CBI holding a preliminary inquiry which resulted in lodging of the FIR. Thus, in all respects, Dr. Parikshit Bansal can be termed as 'the informer' and as such he has a right to be heard and is entitled to a copy of the report as well. In '**Bhagwant Singh Vs. Commissioner of Police**'

reported in 1985 (2) RCR (Criminal) 259, the Hon'ble High Court has emphasized the need to inform and hear the informer who lodges the FIR. The relevant extract of the judgment of the Hon'ble High Court is reproduced hereunder:-

“... Then again, the officer in charge of a police station is obligated under sub-section(2)(ii) of Section 173 to communicate the action taken by him to the informant and the report forwarded by him to the magistrate under sub- section (2)(i) has therefore to be supplied by him to the informant. The question immediately arises as to why action taken by the officer in charge of a police station on the First Information Report is required to be communicated and the report forwarded to the Magistrate under sub-section (2)(i) of Section 173 required to be supplied to the informant. Obviously, the reason is that the informant who sets the machinery of investigation into motion by filing the First Information Report must know what is the result of the investigation initiated on the basis of the First Information Report. The informant having taken the initiative in lodging the First Information Report with a view to initiating investigation by the police for the purpose of ascertaining whether any offence has been committed and, if so, by whom, is vitally

interested in the result of the investigation and hence the law requires that the action taken by the officer-in-charge of a police station on the First Information Report should be communicated to him and the report forwarded by such officer to the Magistrate under sub-section (2)(i) of Section 173 should also be supplied to him.”

6. Thus, in view of the matter, the application is allowed and permission to file protest petition in the closure report is granted to Dr. Parikshit Bansal. A copy of report filed by CBI under section 173 Cr.P.C. be also supplied to Dr. Parikshit Bansal. Accordingly, to come up on **04.04.2022** for filing the protest petition.

(Harinder Sidhu)
Special Judge, CBI, Punjab,
SAS Nagar, Mohali
(UID No. PB0130)

Date of order: 03.03.2022
Ankita Sharma

(Harinder Sidhu)
Special Judge, CBI
Punjab, SAS Nagar, Mohali
(UID No. PB0130)/**03.03.2022**