

**Sanjeev Kumar Gandhi Versus State of Himachal Pradesh & Others**

**CMP No.12704 of 2025**

[Item D-14]

05.06.2025

Present: Mr. Sanjeev Bhushan, Senior Advocate, with Mr. Jagdish Thakur, Advocate, for the applicant-petitioner.

Mr. Anup Rattan, Advocate General with Mr. Gobind Korla, Additional Advocate General, for respondents No.1 to 3-State.

Mr. Balram Sharma, DSGI with Mr. Rajeev Sharma, Advocate, for respondent No.4-UOI.

Mr. Janesh Mahajan, Advocate, for respondent No.5-CBI.

Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar Sharma, Advocate, for respondent No.6.

Mr. Gobind Korla, Additional Advocate General, Mr. Rajeev Sharma, Advocate, Mr. Janesh Mahajan, Advocate and Mr. Ajay Kumar Sharma, Advocate, waive service of notice on behalf of respondents No.1 to 3, respondent No.4, respondent No.5 and respondent No.6, respectively.

**2.** This application seeking Leave to Appeal has been filed regarding the locus standi of the applicant to file the present appeal against the judgment of learned Single Judge dated 23.05.2025, passed in CWP No.6508 of 2025, since the present

appeal has been preferred by the Superintendent of Police in his personal capacity. A perusal of the application filed, would go on to show that it is his grouse that while passing the order and directing that the investigation be handed over to the CBI by the State Police, has been done without giving an opportunity to the applicant to controvert or explain the report of the Additional Chief Secretary [Home] and the status report furnished by the then Director General of Police.

**3.** In such circumstances, application seeking Leave to Appeal has been preferred. The applicant has averred that the observations made against the SIT may be set aside, so that the hard work done by the applicant and his Special Investigation Team, does not go waste and their reputation, profession and integrity is protected.

**4.** We have heard Mr. Sanjeev Bhushan, Senior Advocate, for a considerable time and have gone through the judgment of learned Single Judge.

**5.** We are *prima facie* of the considered opinion that though the prayer in the petition is for modification of the order for handing over the

investigation to the CBI and that it be handed over to the Special Investigation Team, constituted by this Court. Resultantly, it is apparent that the effective aspect of the directions would be contrary to the argument raised if the main prayer is allowed. Thus, in our considered opinion, the only limited right of the petitioner for filing the present petition is to the extent that the findings of learned Single Judge qua the conduct of the SIT, which is further based on the report as such dated 08.05.2025 of the Additional Secretary [Home], which apparently had only been produced in the Court on 20.05.2025 and retained, despite the opposition by Advocate General, that it is still pending consideration by the Government.

**6.** Eventually, vide order dated 21.05.2025, when the arguments were heard and judgment was reserved, the copy of the report was retained and made part of the record and the original was returned to the office of Advocate General.

**7.** It is in such circumstances, objection has been raised that reliance has been placed on the said report, prejudicing the petitioner. Secondly, the other objection is that the status report had been filed by

the then DGP in a sealed cover, which had been relied upon by the learned Single Judge and eventually, not supplied to the petitioner and the order was reserved on 21.05.2025 and the judgment was passed on 23.05.2025.

**8.** Mr. Sanjeev Bhushan, learned Senior Advocate, has thus also objected that the petitioner was never given any opportunity to rebut the report of the DGP, wherein a comparative analysis had been done regarding the promptness of SP, Bilaspur in contrast to the lack of efforts made by SP, Shimla and the adverse conclusion as such, regarding the conduct of the present applicant. Similarly, it has been submitted that since the report of the Additional Chief Secretary [Home] was also not supplied to him, the applicant never got a chance to putforth that the investigation had been carried out in a proper manner by the SIT which had been constituted by him on 20.03.2025.

**9.** Resultantly, we issue notice only to the limited aspect that whatever observation has been made against the applicant, based on the report of the Additional Chief Secretary and of the DGP, qua

the applicant as it might adversely affect his service career, which would require consideration.

**10.** We make it clear that we have not interfered with the basic direction passed by learned Single Judge, handing over the investigation to the CBI, since it is a settled principle that investigation is to be done at the earliest, so that all the relevant material and proofs/evidence are discovered by the investigating agency and the chances of such proofs being lost or being covered-up or obliterated does not take place. The direction as such of handing over the investigation to CBI would only encourage fair and effective investigation and instill confidence in the general public which would also be satisfied by the fact that an independent team is looking into the investigation, as unsolved crimes tend to erode public trust. The factual aspect is that serious allegations as such have been made regarding the deceased who was a Chief Engineer that he had been pressurized, on account of contracts being awarded in his workplace, to which he had raised opposition and therefore, no fault as such can be found in the order of learned Single Judge regarding this aspect.

**11.** Even otherwise, in principle we are clear that it is not for the petitioner to have any objection to the procedure adopted by learned Single Judge, of handing over the matter to the CBI for investigation as it does not personally affect him, in any manner, and therefore, on that aspect, we are of the considered opinion that the present appeal would itself not be maintainable. Thus, we are only issuing notice on the limited aspect as recorded above.

**12.** Resultantly, it is open to the respondents to file a response to the limited aspect, whether they have any objection to the proposed course of action and to the limited relief, the applicant is seeking.

List on **14.07.2025**.

**(G.S. Sandhawalia)**  
**Chief Justice**

**(Ranjan Sharma)**  
**Judge**

**June 05, 2025**  
*(Chiranjeev/Himani)*