

IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

(THROUGH VIRTUAL MODE)

CrIM No. 517/2020 in
CRM (M) No. 140/2020

Laiq Parvez

...Petitioner(s)

Through: Mr. R. A. Jan, Sr. Advocate with
Mr. Taha Khalil, Advocate.

Vs.

U.T. of J&K & Ors.

...Respondent(s)

CORAM: Hon'ble Mr. Justice Sanjay Dhar, Judge

(ORDER)
04.09.2020

CrIM No. 517/2020

Instant application seeking extension of time for annexing/depositing the requisite court fee with this petition, in view of the grounds urged therein, is allowed. The petitioner shall deposit the requisite court fee with the Registry of this Court within a period of one week from the date of announcement of lifting the restrictions on account of Covid-19 by the Government.

CM disposed of.

CRM(M) No. 140/2020

Through the medium of instant petition, petitioner has challenged the FIR No. 03/2020, for the offence under Section 5 (1)(d) of J&K Prevention of Corruption Act & 120-B RPC, registered with Police Station Anticorruption Bureau, South Kashmir.

It is the case of the petitioner that as per the industrial policy in vogue at the relevant point of time he was competent to allot land in favour of the unit holders and to execute the lease deed in this regard. Learned counsel for the petitioner has taken this Court through the relevant clauses of the Industrial Policy to support his contention. It is the further contention of the learned counsel for the petitioner that despite bringing this fact to the notice of the investigating agency during Preliminary verification in answer to the questioner served upon the petitioner by the Investigating Officer, the investigating agency has registered the aforesaid FIR against the petitioner by alleging that petitioner was not competent to allot the land to the unit holders and to execute the lease deeds in this behalf. On this ground, it is urged that investigating agency, while registering the FIR against the petitioner has misused its powers.

Having considered the submissions of learned Sr. Counsel for the petitioner and the contentions raised in the petition, supported by the documents on record, there appears to be a *prima facie* case for grant of indulgence in favour of the petitioner at this stage.

Issue notice to the respondent(s). In the meantime, respondents are directed not to take any coercive action against the petitioner in connection with the above said FIR. The respondents shall also submit the latest status report with regard to the investigation of the case on next date of hearing.

List on 6th October, 2020.

(Sanjay Dhar)
Judge