



2026:JKLHC-JMU:2593

Sr. No. 15

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No.:- WP(C) No. 2788/2022

Rohit Sharma

.....Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Parimoksh Seth, Advocate.

Vs

UT of J&K & ors

..... Respondent(s)

Through: Mrs. Monika Kohli, Advocate for R-1 to 12.
Mr. Manpreet Singh Saini, Advocate for R-13.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
29.04.2025

1. The present petition was filed on 22.12.2022 by the petitioner, who came to be named as an accused in FIR No. 02 of 2022 registered by the Police Station, Anti-Corruption Bureau (ACB), Rajouri for alleged commission of offence under section 7 of the Prevention of Corruption Act, 1988.
2. In the writ petition, the petitioner has solicited the following reliefs:

(i) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to constitute a Special Investigating Team (SIT) consisting of officers of undisputed reputation, honesty and professional brilliance



to be headed by an officer not below the rank of Dy. Inspector General of Police for investigating a highly dramatized, false and fabricated trap case made by police officers of Anti-Corruption Bureau 6 to 12 in which the petitioner has been wrongly and falsely implicated;

- (ii) An appropriate writ, order or direction in the nature of writ of mandamus directing the respondents No. 1 to 3 to immediately seize the electronic devices/records of CCTV installed in the premises where the office of Tehsildar, Bahu, Jammu is located and which is in possession of owner of the building and send the same for evaluation by Central Forensic Science Laboratory and for production of the FSL report before this Hon'ble Court in sealed cover;
- (iii) An appropriate writ, order or direction in the nature of writ of certiorari quashing FIR No. 02/2022 dated 14.11.2022 registered with Police Station, Anti-Corruption Bureau, Rajouri (Camp Jammu) under section 7 of the Prevention of Corruption Act, 1988 against the petitioner.

3. This Court, in terms of an order dated 27.12.2022, granted indulgence in the manner that investigation by reference to FIR No. 02 of 2022 dated 14.11.2022 was left to carry on but not to come up with a Final Police Report/Challan without an order from this Court permitting the filing of the Final Police Report/Challan.
4. Obviously, at the time of passing of the order dated 27.12.2022, the investigation into the case was being done by the Police Station, Anti-Corruption Bureau (ACB), Rajouri against which the petitioner came up with an allegation of



malafide as set out in the writ petition in the context whereof leave for constitution of Special Investigation Team (SIT) to be headed by a Police Officer of the rank of the Deputy Inspector General of Police or above came to be solicited.

5. Though the investigation of the FIR in reference started in the hands of the Police Station, Anti-Corruption Bureau (ACB), Rajouri but later came to be assigned to the Central Bureau of Investigation.
6. This Court, in terms of an order dated 07.08.2023, reflected the position in response to application CM No. 4536/2023 filed by the petitioner seeking impleadment of the Central Bureau of Investigation as party respondent in the writ petition.
7. In his application-CM No. 4536/2023, the petitioner came to aver that he has come to know about shifting of investigation to the Central Bureau of Investigation (CBI) from the status report filed in the case by the Police Station, Anti-Corruption Bureau (ACB), Rajouri through its SSP therein disclosing that by virtue of a communication No. GAD-VIGOSP/7/2023-04-GAD dated 18.01.2023, the transfer of the investigation to CBI has been directed and has taken place.



8. Interim direction, as given in an order dated 27.12.2022, came to be confirmed in terms of an order dated 19.11.2024 vide which order, this Court also directed production of a Case Diary (CD) file along with the Compact Disc (CD) of the CCTV footage.
9. It is in response to this direction issued vide order dated 19.11.2024, today Investigating Officer Mr. Subash Kumar, Inspector, CBI has come forward with the CD file along with Compact Disc with respect to production of which the direction in an order dated 19.11.2024 came to be placed.
10. When pointed out to Mrs. Monika Kohli, learned counsel representing the Central Bureau of Investigation (CBI) as to vide which Government Order, the communication No. GAD-VIGOSP/7/2023-04-GAD dated 18.01.2023 enabled the handing over the investigation of the case to CBI, Mrs. Monika Kohli submits that though the said Government Order is not obtaining on the CD file of the case, which is otherwise said to have completed its investigation and ready with the final Police Report/Challan but nevertheless she would have instructions with respect to the presence of the said Government Order for being shared with this Court.



11. Let the requisite Govt. Order with reference to shifting of investigation to CBI be looked for and produced before this Court for its perusal.
12. List on 14.05.2025 on which date the IO Mr. Subash Kumar, Inspector, CBI along with case diary and Compact Disc to remain present.
13. The case diary and Compact Disc produced by the IO Mr. Subash Kumar, Inspector, CBI are returned back.

JAMMU
29.04.2025
Naresh/Secy.

