

ITEM NO.12

COURT NO.11

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 7647/2009

(Arising out of impugned final judgment and order dated 16/04/2009  
in CRLM No. 45437/2006 passed by the High Court Of Punjab & Haryana  
At Chandigarh)

HARSH KUMAR SHARMA

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION AND ORS.

Respondent(s)

(with appln.(s) for directions and office report)

WITH

SLP(C) No. 24338-24339/2014

(With appln.(s) for directions and permission to appear and argue  
in person and directions and interim relief and office report)

Date : 01/08/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. P.K. Dey, Adv.  
Mr. S. Saini, Adv.  
Mr. M.K. Maroria, Adv.  
Mr. G.S. Makkar, Adv.  
Mr. Andleeb Naqvi, Adv.  
Mr. Bharat Singh, Adv.  
Mr. Shreekant N. Terdal, Adv.

Mr. Arvind Kumar Sharma, Adv.

Signature Not Verified

Mr. Sanchar Anand, AAG

Digitally signed by

ASHWANI KUMAR

Date: 2016.08.02

Mr. V. Madhukar, AAG

Ms. Anvita, Adv.

12:49:17 IST

Reason:

Ms. Lubna Naaz, Adv.  
Mr. Apoorv Singhal, Adv.  
Mr. Kuldip Singh, Adv.

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The Court made the following  
O R D E R

On the last date of hearing, we were informed that a meeting of the concerned officers from the State Government as well as Central Government is going to take place on 13th May, 2016. This matter was adjourned expecting that a final decision would be taken by the concerned authorities. Today, learned counsel appearing for the CBI has shown us the communication dated 1 st August, 2016 addressed by the Government of India, Ministry of Environment, Forest and Climate Change(Vigilance Division) to the Additional Solicitor General for India wherein it is stated as to what transpires in the said meeting. At the end of this communication it is stated that the view on withdrawal of sanction of prosecution of the petitioner could be finalized in totality only after material facts provided by the Financial Commissioner (Revenue), State of Punjab. It appears that some information is sought by the Government of India from the State of Punjab and in spite of various communications written by the Government of India and the meetings held, the State of Punjab has not provided the information. The fact remains that as of now there is no final view as to whether sanction of prosecution has to be withdrawn or not.

As far as this Court is concerned, it cannot wait endlessly for the authorities to take a final view on the matter. Insofar as the present petition is concerned, it arises out of proceedings filed under Section 482 of the Cr.P.C. seeking quashing of the First Information Report registered against the petitioner. This Court is, therefore, concerned with the validity of the impugned order of the High Court by which the said petition of the petitioner was dismissed. We, thus, fix the matter for final hearing on 22.11.2016.

(Ashwani Thakur)  
COURT MASTER

(Tapan Kr. Chakraborty)  
COURT MASTER