

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5303/2007

(From the judgement and order dated 17/08/2007 in CRLM No. 79825/2007 in CRLM No.27449/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PARVEEN KUMAR

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for anticipatory bail and office report)

WITH

SLP(Crl) NO. 7466 of 2007

(With appln(s) for anticipatory bail and office report)

Date: 16/05/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Dinesh Verma, Adv.
Mr. Punish Jindia, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s) Mr. Ajay Pal, Adv.

UPON hearing counsel the Court made the following
ORDER

Pursuant to our order an affidavit in reply was filed by Punjab Police Service, Deputy Superintendent Police, Vigilance Bureau Sangrur, Punjab, on 24th October, 2007. In paragraph 4(j), the deponent has stated as under:

"That in response to sub para no.4 (j) of the Special Leave Petition, it is submitted that it is the petitioner, who failed to appear before Vigilance Bureau for joining the investigation in terms of the order and without formal arrest of the petitioner, the respondent was unable to file Challan. However, the respondent was unable to file Challan. However, at the cost of repetition, it is submitted that non-filing of Challan cannot be made ground to file the petition to seek extension of time."

:2:

Thereafter when the matter was placed before us, the Court wanted to know as to when, though notice was issued or intimation was sent to the accused, he failed to appear. We, therefore, passed the following order on January 3, 2008.

"In affidavit in reply filed by the D.S.P., Sangrur, Punjab, a statement is made that the petitioner "failed to appear before Vigilance Bureau for joining the investigation in terms of the order". No material whatsoever has been placed as to whether any intimation was sent to the petitioner to appear before the Vigilance Bureau. Let said material/instruction/intimation be placed on record within two weeks from today.

List thereafter.

Meanwhile, rejoinder affidavit be filed."

Pursuant to the above order, a further affidavit is filed by the Deputy Superintendent of Police, Vigilance Bureau, District, Sangrur on 8th May, 2008, in paragraph-2, the deponent has stated as under:

"The accused Parveen Kumar Technical Assistant of Punjab State Warehouse Corporation Dhanaula, Distt. Sangrur has appeared for investigation on 27.6.07 and 4.1.2008 in the above said case."

From the order dated January 3, 2008, it is clear that the Court wanted to know as to when the petitioner did not appear in spite of intimation/notice to him. Let such affidavit be filed within a period of four weeks.

List thereafter.

[Usha Bhardwaj]
Court Master

[Vinod Kulvi]
Court Master