

(2011) 12 P&H CK 0047

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M 26614 of 2011

Balwant Kumar Dhir

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 6, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 167(2)
- Prevention of Corruption Act, 1988 - Section 13(2), 19, 7

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Judgement

L.N. Mittal, J.

Accused Balwant Kumar Dhir has filed this petition for regular bail in case FIR No. 7 dated 11.08.2011, under Sections 7

and 13(2) of the Prevention of Corruption Act, 1988 (in short - the Act), registered at Police Station Vigilance Bureau, Patiala Range, District

Patiala.

2. However, on 02.11.2011, counsel for the petitioner submitted that he had instructions that the instant petition had been rendered infructuous

because the petitioner was released on bail by the lower court u/s 167(2) of the Code of Criminal Procedure (in short - Cr.P.C.) Consequently,

State counsel was asked by this Court to ascertain reasons for non-filing of challan within the stipulated period and also the person responsible

therefor.

3. Pursuant to the said order, affidavit of Deputy Superintendent of Police (DSP) of Vigilance Bureau was filed, wherein the blame was laid at the

door of Excise and Taxation Department for causing delay in sending requisite information/documents and in granting sanction u/s 19 of the Act.

Accordingly, vide order dated 14.11.2011, State counsel was required to have response of Excise and Taxation Department regarding the said delay.

4. Pursuant to the aforesaid order, affidavit of Additional Excise and Taxation Commissioner, filed today in Court by learned State counsel, is taken on record, subject to all just exceptions.

5. It has been explained in the affidavit that the department was not intimated that information required was date-bound or time-bound. Movement of the file has also been explained. There were many holidays in between resulting in delay. The case was processed in routine being not marked as urgent or date bound.

6. In view of the aforesaid, no further action is required in the instant bail petition, which is disposed of as having been rendered in fructuous.

However, a copy of this order be sent to Chief Secretary, Government of Punjab (under whom Vigilance Bureau functions) to devise mechanism to avoid such delay, which results in undue benefit of bail to accused persons.