

TULSI RAM MISHRA
V/S
S. RADHA CHAUHAN & ANR

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Advocate for respondent No.1
(through hybrid mode).

Mr. Vishnav Gandhi, DAG Punjab for respondent No.2.

Brief facts relevant to the present *lis* are that the petitioner herein had lodged a FIR bearing No.9 dated 09.11.2009 under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'PC Act, 1988') registered at Police Station Vigilance Bureau, Flying Squad-1, Mohali against Vijay Kumar Janjua as he was caught red-handed while accepting illegal gratification of ₹2,00,000/- in the presence of two witnesses. The Governor of Punjab granted the sanction under Section 19 of the PC Act, 1988 to prosecute Vijay Kumar Janjua on 27.04.2010. The said sanction was challenged by Vijay Kumar Janjua averring therein that the sanction had been granted by an incompetent authority by filing CWP No.10055 of 2010 which was dismissed by this Court vide order dated 24.01.2014. LPA No.689 of 2014 was preferred against the order dated 24.01.2014 which was also dismissed by the Division Bench of this Court vide order dated 11.08.2014. However, liberty was granted to raise all the points before the Trial Court as the discharge application was pending before the Trial Court. Vide order dated 08.01.2015 the officer was discharged on the ground that the competent authority for granting sanction to prosecute the officer was the Central Government while the sanction had been granted

by the State Government, hence, the discharge order was passed for the time being for want of proper sanction with liberty to get the matter revived as and when a valid sanction was accorded by the competent authority. Aggrieved by the order dated 08.01.2015, CRM-M-11381-2016 was filed by the petitioner herein which was disposed off by this Court by a detailed speaking order on 15.09.2023. The operative portion of the order reads as under :

“43. In the result, this Court does not find any manifest illegality in the impugned order discharging respondent No.2 for the time being, but at the same time this Court deems it fit to direct the State of Punjab to forward all documents pertaining to the consideration for grant of sanction to prosecute respondent No.2 to the Central Government. The Chief Secretary, Punjab shall forward the papers within a month to the Secretary, Department of Personnel and Training, Government of India. The competent authority in the Central Government would consider the issue and take a final decision in accordance with law within a period of three months extendable by another month from the receipt of the papers.

44. Needless to say that the observations made hereinbefore are for the purpose of deciding this petition and would not be construed as an expression of opinion on the merits of the case against respondent No.2.

45. In case, the sanction is accorded to prosecute respondent No.2, the trial Court shall proceed in accordance with law and conclude the trial expeditiously.

46. The petition stands disposed of accordingly. Pending application(s), if any, also stands disposed of.”

2. The present contempt petition has been filed for non-compliance of the order dated 15.09.2023.

3. Mr. Satya Pal Jain, Addl. Solicitor General of India appearing for respondent No.1 has pointed out that two letters dated 09.11.2023 (Annexure R-1/1) and 04.03.2024 (Annexure R-1/2) appended with their reply have been sent to the State for forwarding the complete proposal regarding sanction for the prosecution. However, till date no action has been taken.

4. Learned counsel for the State has pointed out that SLP (Criminal) Diary No.52489 of 2023 had been filed by Vijay Kumar Janjua and on 25.10.2024 the following order was passed :

“Applications for exemption from filing c/c of the impugned judgment and exemption from filing O.T. are allowed.

Delay condoned.

We are issuing notice as to whether the State Government can decline the recommendation in a case where the Central Government is the competent sanctioning authority.

Dasti, in addition, is also permitted.”

5. Learned counsel for respondent No.2-State on being asked as to whether the proceedings in the contempt petition have been stayed or the State had filed any Special Leave Petition, he has responded by stating that neither any Special Leave Petition has been filed by the State nor any stay has been granted in the SLP filed by Vijay Kumar Janjua.

6. Learned counsel for the State has repeatedly requested for adjournments on one ground or the other. Today yet another request for an adjournment has been made though it was made clear on 11.08.2025 that no further adjournment shall be granted.

7. Learned counsel for the State on instructions from Rustam Garg, OSD (Litigation) to Chief Secretary, Government of Punjab seeks few more days' time to get his instructions.

8. Though no ground is made out to further adjourn the matter, however, in the interest of justice, adjourned to **08.09.2025**, subject to payment of ₹50,000/- as costs to be deposited with the Punjab and Haryana High Court Legal Services Committee.

18.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE