

State of Punjab

Vs

Maninder Singh

SLP (CRL) No. 2129 of 1992

(K. Ramaswamy, G. B. Pattanaik JJ)

19.08.1996

ORDER

1. It is astonishing and we are aghast to find that the State Government legitimised corruption and decided to shield the officers who have committed misappropriation of public funds to the tune of Rs 1.61 crores as culled out during investigation. It is obvious from the record that the Government wants to hide the persons and shield the officers responsible for committing misappropriation. This petition was filed against the order of the High Court quashing the FIR filed against the respondent. The High Court based its conclusion on a noting made by an officer that no action was needed. The order of the High Court is contrary to the fundamental principles of criminal law and the settled legal position. When notice was issued, the action of the State Government compounded the flagrant miscarriage of justice. But when we have pointed out to the counsel for the petitioner as to whether the charge-sheet has been filed and directed them to produce the charge-sheet and statement under Section 161 CrPC, from 30-11-1995 despite adjournment of the case time and again to produce charge-sheet filed in the trial court, they failed to produce the same. So sensing some foul play somewhere, by order dated 4-4-1996, this Court directed the Chief Secretary to have an enquiry conducted in this behalf and to submit a report. In response thereto, a pat came on the back of the accused and from the record it would be clear that the charge-sheet, though was prepared by the officer, after thorough investigation, the same did not breathe life since the Government did take a decision not to proceed with the matter. Therefore, the decks have been cleared in the case for the corrupt officers, who had swindled the public money and misappropriated it, to escape from the clutches of law. The counsel for the State states before us that he does not want to proceed with the matter as per the instructions of the Government.

2. The petition is accordingly dismissed. However, we record our deep anguish and strong disapproval of the conduct of the Government in shielding corrupt officers who committed misappropriation of public funds from being prosecuted and punished according to law.