

No. 12/225/2017-4HG-IV

From

The Additional Chief Secretary to Government,  
Haryana, Home Department.

To

1. The Chief Secretary, Haryana.
2. All the Additional Chief Secretaries/Financial Commissioners & Principal Secretaries/Commissioner & Secretaries of the Government of Haryana.
3. The Registrar General, Punjab and Haryana, High Court.
4. All the Head of the Departments, Haryana.
5. All the Deputy Commissioners in Haryana.
6. The Registrars of all the Universities in Haryana.
7. All the Managing Directors/Chief Administrators of Boards/Corporations/State Public Sector Undertakings.

Dated Chandigarh, the 24.10.2017

Subject:

**CRA-S No. 2441-SB of 2007-Kulwant Singh Vs States of Haryana and Punjab & Ors.-Compliance of directions dated 12.07.2017.**

I am directed to refer to the subject noted above and to say that, In the aforesaid case the Hon'ble High Court has issued following directions:-

- (i) *Every judgment, in every trial, in any criminal Court of original jurisdiction and particularly, special Courts trying the cases under P.C. Act shall frame the point or points for determination before rendering the decision; and particularly the point regarding the validity and legality of the sanction contemplated by Section 19(1) of P.C. Act.*
- (ii) *The Court under P.C. Act, at the time of taking cognizance, if necessary upon hearing the public prosecutor, shall decline to take cognizance in the absence of sanction. In case of production of sanction, the Court shall examine whether the same has been given by specified authority/competent authority and in the event of finding any defect to ask the prosecution to get a fresh sanction. The Court shall also insist upon the file to be produced before it under which the process of sanction was undertaken;*
- (iii) *State of Punjab, State of Haryana and Union Territory, Chandigarh are directed to issue directions that the authority granting sanction (in service or retired) shall have to appear before the Court for recording of evidence on oath. In case, it is not possible to produce such person before the Court, the State shall take resort to the other modes of proof of sanction recognized by law. The States and U.T. shall produce the original document(s) of sanction before the Court and in the absence thereof, to follow the procedure for leading secondary evidence;*
- (iv) *The Court shall exercise its power to compel the sanctioning authority and or any other competent witness to appear before it."*

2. The above directions be brought to the notice of all the concerned for strict compliance. Any lapse on part of the concerned person shall be viewed seriously and action will be taken against the erring officers/officials in accordance with the Rules.



*[Signature]*  
Superintendent, Home-IV,  
for Additional Chief Secretary to Government, Haryana,  
Home Department