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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 6247/2023

DR BALWINDER KUMAR SHARMA Petitioner

Through: Mr.Alok Bhachawat, Adv.

versus

STATE OF UT CHANDIGARH Respondent

Through: Mr.Charanjit Singh Bakhshi, Addl
PP, UT/Chandigarh along with
Mr.Amit Sahni, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

18.01.2024

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During the course of submissions, learned counsel for the petitioner submits that as per his instructions he is willing to withdraw the present petitioner with the liberty to summon the following documents during the defence evidence as per law:

- i. Letter No. 453/Reg Rectt dated 22.8.2017 along with all its annexures etc, sent to Ld Registrar Vigilance (this witness) by the then Registrar Recruitment (present Applicant) to be considered in HCS(JB) Examination 2017 preliminary enquiry.
- ii. Letter No. 463/Reg Rectt dated 30.8.2021 along with all its annexures etc, sent to Ld Registrar Vigilance (this witness) by the then Registrar Recruitment(present Applicant) to be considered in HCS(JB) Examination 2017 preliminary enquiry.



iii. The copies of summons sent (through registered posts/emails) under Section 8 of Public Servants (Inquiries) Act, 1850 to all the witnesses (including Nodal officers of Mobile Companies) summoned/examined by Ld Registrar Vigilance (this witness) calling upon them to produce record or call data records in the preliminary enquiry held regarding alleged leakage of HCS(JB) Preliminary examination 2017.

iv. Email dated 31.8.2017 sent by BSNL to learned Registrar Vigilance (this witness) forwarding record (in pdf) of Mobile Nos. 94676-80053, 94675-25553 and 94680-73929. This email is part of the correspondence file of the Preliminary enquiry conducted regarding the HCS(JB) Examination 2017 question paper.

Learned APP counsel for the respondent/State of UT Chandigarh states that the petitioner may move the appropriate application before the learned trial court at the stage of defence evidence and the same may be disposed of in accordance with law.

In view of the submissions made, the present petition is disposed of with the direction that the petitioner shall be at liberty to move an appropriate application at the stage of defence evidence for summoning the aforementioned documents. Learned trial court shall decide the same in accordance with law.

Learned APP for the State has invited the attention of the court to the order dated 25.08.2022 where the direction was given by the coordinate bench of this court to dispose of the matter expeditiously. However, learned APP has submitted that till date the matter has not been disposed of.



This is a serious matter involving the leaking of judicial examination papers. The matter was transferred from Chandigarh to Delhi by virtue of the orders of the Apex Court. The learned trial court is expected to expedite the matter and take the same on a day-to-day basis. Learned trial court is directed to dispose of the matter positively on or before 15.04.2024 and send the compliance report to this court.

Learned counsels for both parties have undertaken to cooperate for the expeditious trial before the learned trial court.

The petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 18, 2024

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