



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CRM-M-57824-2025

Date of Decision: 14.10.2025

SUKHPAL SINGH KHAIRA

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Chetan Mittal, Senior Advocate with
Mr. P. S. Ahluwalia, Advocate for the petitioner.

Mr. Chanchal K. Singla, Additional Advocate General, Punjab.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for quashing the initiation of vigilance inquiry/investigation mentioned in letter no.5460/VB/AS-7 dated 12.02.2024, being violative of law laid down by the Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh and others*, (2014) 2 SCC 1.

2. Learned senior counsel contended that the petitioner is an opposition party leader in the State of Punjab, and has been a Member of Legislative Assembly (MLA) three times. Being a political opponent, he is being harassed by the establishment by lodging various cases against him. He was summoned as an additional accused by the trial Court under Section 319 Cr.P.C. in the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), case FIR no.35 dated 08.05.2015, after conclusion of the trial. The order was challenged by him, and was finally set aside by the Supreme Court vide order dated 09.02.2023. Despite that, he was again

nominated as an accused in the case on the basis of subsequent investigation, and arrested on 28.09.2023. At present, he is on bail granted by this Court. There is an apprehension that he will now be implicated another case by the respondents anytime.

2.1. Under such threat the petitioner earlier approached this Court by filing a petition, CRM-M-4833-2024, seeking direction to release him “on bail in the event of his arrest in any case disclosing cognizable and non-bailable offence(s) that may have occurred in the past and which has not yet been brought to the notice of this Hon’ble Court by the respondent State in the earlier round of proceedings including CRM-M-52458-2023, CRM-M-53243-2023 and CRWP-9859-2023”. In that matter, the respondent/State filed a status report dated 05.03.2024, Annexure P-19, wherein a reference was made with regard to a pending inquiry initiated through the impugned letter dated 12.02.2024, relevant portion of the report is as under:

It is submitted that in addition to the above pending complaints and case FIRs, an enquiry is pending with Vigilance Bureau, Punjab. Regarding the same, a letter vide No.5460/VB/AS-7 dated 12.02.2024 was received from Vigilance Bureau, Punjab, in the office of Director, Bureau of Investigation, Punjab, whereby, it has been mentioned that an enquiry qua the petitioner Sukhpal Singh Khaira is pending with Deputy Superintendent of Police, Vigilance Bureau, Kapurthala, Range Jalandhar regarding the vehicles purchased by the petitioner and his family members alongwith the property and bank details of the petitioner and his family members.

The said petition was withdrawn and dismissed as such with liberty to file it afresh with better particulars, vide order dated 04.04.2025.

2.2. The petitioner again approached this Court by filing CRM-M-44086-2025, seeking pre-arrest bail on the basis of impugned letter dated



12.02.2024. The petition was disposed of vide order dated 13.08.2025, on a statement made on behalf of the respondent/State that there was no apprehension of his arrest. The order reads as under:

Learned counsel for the petitioner contends that a Vigilance inquiry regarding disproportionate assets is pending against the petitioner since 12.02.2024, and there is an apprehension that he will be arrested in the matter anytime now. The apprehension is evident on account of the fact that petitioner being an opposition MLA, has been opposing various acts of omission and commission on the part of the State Government, and more particularly the Chief Minister.

2. Since the Vigilance Department has jurisdiction all over the State and an FIR can be lodged against the petitioner in any District, he has approached this Court straightway without approaching the Sessions Court.

3. Learned State counsel does not dispute that an inquiry is pending against the petitioner but contends there is no apprehension of his arrest as of now, nor has the Vigilance issued any notice to him to join investigation.

4 In view thereof, learned counsel for the petitioner does not press the petition.

5. Disposed of as such.

2.3. It is the third time that the petitioner has approached this Court by filing the instant petition. A reference has been made to letter dated 01.09.2025, Annexure P-22, issued by Deputy Superintendent of Police, Vigilance Bureau to Tehsildar, Bullath, seeking information/complete record with regard to properties owned by the petitioner and his family members. A reference has also been made to another letter dated 03.09.2025, Annexure P-23, issued by the Vigilance Bureau to Manager, Cooperative Bank, Bullath, seeking statements of certain account numbers alongwith KYC details. Similarly, there is another letter dated 10.09.2025, Annexure P-24, issued by

the Vigilance Bureau to Tehsildar, Fatehgarh Sahib, seeking information/complete record with regard to properties of the petitioner and his relatives. By referring to these letters, learned senior counsel contended that the impugned vigilance inquiry initiated vide letter dated 12.02.2024, cannot be allowed to continue in this manner, that too after inordinate delay of more than one and half year. The Vigilance has no right to seek information from different officers/institutions in pursuance thereof as it amounts to harassment and humiliation to the petitioner. It is being done to curb his freedom of speech and bully him not to take on the Government and expose their misdeeds. He has relied upon *Lalita Kumari* case *ibid.* to contend that the preliminary inquiry can only be time-bound and in any case it cannot exceed seven days; the period has now been extended to six weeks by subsequent pronouncements. Therefore, the pending inquiry against the petitioner is illegal and cannot be allowed to continue.

3. Heard.

4. It remains undisputed that the petitioner is not an accused in the Vigilance case as of now, nor has any FIR regarding his disproportionate assets been lodged. As per the statement made on behalf of the respondent/State in earlier petition, CRM-M-44086-2025, the Vigilance has not issued him any notice either to join the impugned inquiry mentioned in letter dated 12.02.2024. In case some material has come to the Vigilance's notice and documents concerning the same are being sought from different Departments and Banks where the petitioner's properties are situated or accounts have been maintained, vide the letters referred to above dated 01/03/10.09.2025, no exception can be taken to it. The letters are not addressed to the petitioner, nor have the same been endorsed to him; these are



inter-departmental communications and it is not clear as to how the same have come to his notice. Therefore, by no stretch of imagination can it be said that by way of these letters or the pending inquiry any right of his has been infringed. The judgment in *Lalita Kumari* case *ibid.* also has no application to facts of the case. The directions in paragraph 120.7, relied upon by learned senior counsel, are to the following effect:

120.7. While ensuring and protecting the rights of the accused and the complainant a preliminary inquiry should be made time-bound and in any case it should not exceed seven days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

Apparently, the observations have been made to protect rights of the accused and the complainant with regard to a preliminary inquiry undertaken by an investigating agency on some information/material brought to its notice. However, the letters referred to above sent by the Vigilance are for the purpose of gathering information which they are required to do as part of their official duty. And it is not the petitioner's case that the letters have been issued otherwise than in discharge of official duties. Therefore, the maximum time prescribed for a preliminary inquiry in the aforementioned judgment, will not have any bearing on the case at hand. It concerns initiation of a preliminary inquiry when the information has been received by an officer and it needs to be ascertained whether any cognizable offence is disclosed or not, which is not the case here. Consequently, this Court does not think it appropriate to restrain the Vigilance from gathering information by way of an inquiry at its own level into the alleged disproportionate assets of the petitioner.

5. In view thereof, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

14.10.2025
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>