



2026:AHC:34484

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1675 of 2026

Jasvir Singh

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Shukla, Manish Kumar Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashutosh Shukla, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.
2. This Court entertained the present writ petition on 05.02.2026 and sought instructions.
3. Today instructions have been produced under the signature of the Inspector/Inquiry Officer of the Anti Corruption Organization, Saharanpur dated 12.02.2026 which is taken on record and marked as Appendix 'A'.
4. Sri Gaurav Singh, learned Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.
5. The case of the writ petitioner is that the writ petitioner happens to be a Sub Inspector, according to the writ petitioner while the writ petitioner was posted as Sub Inspector at Police Station Rampur Maniharan, District Saharanpur, a first information report stood lodged under Section 7, 13(1)(b) and 13(2) of the Prevention of Corruption Act against the writ petitioner by the Inspector with an allegation that the writ petitioner had taken bribe of Rs. 20,000/- on 20.12.2024. According to the writ

petitioner, the investigation stood conducted and thereafter, while inviting attention towards page 83, it is submitted that there was no incriminating material found in that regard. According to the writ petitioner even departmental proceedings stood conducted against the writ petitioner with relation to the said charge which was subject matter of criminal proceedings thereafter, the writ petitioner preferred Writ-A No. 14147 of 2025 in which an interim order came to be passed on 19.09.2025. Learned counsel for the writ petitioner further submits that though a charge sheet came to be submitted against the writ petitioner with relation to the first information report no. 0013 of 2024 under Sections 7, 13(1)(b) and 13(2) of the Prevention of Corruption Act. However, now impugned notice has been issued on 17.12.2025 under the signature of Inquiry, Inspector/Investigation Officer, Anti Corruption Organization, Saharanpur Division, Saharanpur requiring the writ petitioner to appear before it.

6. Questioning the same, the present writ petition has been preferred.

7. Learned counsel for the writ petitioner has sought to argue that the impugned notice cannot be sustained even for a single moment. Elaborating the said submission it is contended that once a first information report bearing no. 0013 of 2024 under Sections 7, 13(1)(b) and 13(2) of the Prevention of Corruption Act stood lodged against the writ petitioner and no incriminating material was found then to a charge sheet came to be submitted and thereafter, a departmental proceedings on the same charges came to be conducted and there is an interim order passed on 19.09.2025 in Writ-A No. 14147 of 2025 that in the meanwhile inquiry may go on but no final orders be passed then to on the basis of the allegations contained in the said FIR now the writ petitioner cannot be subjected to further inquiry at the instance of the Anti Corruption Department. He submits that the writ petitioner cannot be tried for the same offence which is already a subject matter of the investigation in the first information report and regular departmental inquiry. Learned counsel for the writ petitioner has also invited the attention of the Court towards Section 13(b) and the explanation so attached thereto so as to contend that Section 13 of the Prevention of Corruption Act, 1988 talks about criminal misconduct by a public servant according to which a public servant is said

to commit the offence of criminal misconduct if he intentionally enriches himself illicitly during the period of this offence and according to first explanation, a person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf is in possession of or has at any time during the period of his offence being in possession of pecuniary resources or property disproportionate to its own sources of income which the public servant cannot be satisfactorily account for, thus, the submission is that once the allegation and the charge in the first information report is regarding taking bribe of Rs. 20,000/- then he enriches himself illicitly would be a be the part and parcel of the first information report and, thus, further inquiry cannot be conducted in that regard that too by Anti Corruption Department in that regard.

8. Sri Gaurav Singh, learned Standing Counsel on the strength of the instructions submits that the inquiry which the Anti Corruption Department is conducting is regarding disproportionate assets which is entirely different from the allegation which is levelled in the first information report regarding taking of bribe to the tune of Rs. 20,000/-. He submits that only notice has been issued and it is for the writ petitioner to respond to the same.

9. I have heard the submission so made across the bar and perused the record.

10. Apparently, the writ petitioner being a Sub Inspector was subjected to investigation post lodging of a first information report being FIR No. 0013 of 2024 under Sections 7, 13(1)(b) and 13(2) of the Prevention of Corruption Act, 1988. A charge sheet came to be submitted against the writ petitioner though according to the writ petitioner there was no incriminating material found. Based upon the allegations and charges contained in the first information report, a departmental inquiry came to be conducted which was subject matter of challenge at the instance of writ petitioner in Writ-A No. 14147 of 2025 in which interim order was passed on 19.09.2025 that the inquiry may go on but no final orders shall be passed. However, now a notice has been issued on 17.12.2025 by the Inspector/Inquiry Officer of the Anti Corruption Department summoning the writ petitioner. In order to test the submission of the learned counsel for the writ petitioner whether inquiry can be conducted by the Anti

Corruption Department what would be relevant would be the allegations contained in the first information report as well as the subject matter which is revealing from the notice dated 17.12.2025. Importantly, the first information report is alleges a trap being set up pursuant whereto on 20.12.2024, the writ petitioner is alleged to have been taking bribe and he was caught red handed. Thus, the scope of investigation is regarding the allegations contained in the first information report i.e. about taking of bribe of Rs. 20,000/-. The said allegations partakes the character of an offence under Sections 7, 13(1)(b) and 13(2) of the Prevention of Corruption Act. The notice dated 17.12.2025 of the Anti Corruption Department reads as under.-

"आप को अवगत कराया जाता है कि पुलिस अधीक्षक, भ्रष्टाचार निवारण संगठन, उ०प्र० लखनऊ के पत्र संख्या: 11603/स०पुर (71)/12/2025(528) पी०ई० दिनांकित 01.12.2025 के क्रम में आप के विरुद्ध अपने पद पर रहते हुये अनानुपातिक सम्पति अर्जित किये जाने के आरोपो के सम्बन्ध मे मुझ निरीक्षक द्वारा जांच की जा रही है, जांच के दौरान आप को अपना पक्ष प्रस्तुत करने हेतु अवसर प्रदान करते हुए सूचित किया जाता है।

अतः आप नोटिस प्राप्त होने के पश्चात पांच दिवस के अन्दर किसी भी कार्य दिवस में प्रातः 10.00 बजे से सांय 17.00 बजे के मध्य अपना अभिकथन अंकित कराये जाने हेतु पुलिस लाईन जनपद सहारनपुर में स्थित भ्रष्टाचार निवारण संगठन सहारनपुर, कार्यालय पर उपस्थित हो।"

11. A bare look of the notice dated 17.12.2025 would reveal that the same speaks about holding of an investigation/inquiry with regard to disproportionate assets which is alleged to have been accumulated by the writ petitioner as a Sub Inspector. At the stage of challenge to the notice dated 17.12.2025, this Court is not required to delve into the merits of the allegations. Moreso, a notice has already been issued and it is for the writ petitioner to respond to the same. This Court is not required to usurp the jurisdiction and the authority of the Investigating Officer, the writ petitioner has full opportunity to put his say in that regard. As regards, the further submission of the learned counsel for the writ petitioner that as per the provisions contained under Section 193(9) of BNSS-2023 for taking further permission from the Court while further investigating his concern. These are all the issues which if according to the writ petitioner are germane and has legal basis then it is for the writ petitioner to question the same while filing appropriate proceedings in that regard. Since in the present case, the writ petitioner is questioning the notice that to on civil

side, thus, this Court is not required to delve into the said aspect of the matter.

12. Accordingly, the writ petition stands **disposed of** leaving it open for the writ petitioner to appear before the authorities and to take all legal and factual grounds and this Court has no reasons to disbelieve that the same shall be considered and it is always open for the writ petitioner to question the same at an appropriate stage before competent authority.

13. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

February 16, 2026

Rajesh