

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**(216-2)**

**CRM-M-33161-2015**

**Decided on: February 08, 2016.**

**Satpal Mehra**

**.... Petitioner**

**Versus**

**State of Punjab and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Ravish Bansal, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

**M.M.S. BEDI, J (ORAL)**

This is a petition under Section 482 Cr.P.C for direction to the State authorities for handing over the investigation of the case FIR No.208 dated 16.12.2014, under Sections 420/120-B IPC registered at Police Station Civil Lines, Bathinda to some other independent agency like Enforcement Directorate or Central Bureau of Investigation as huge public money of Rs.7.5 crores has been swindled away by accused-respondents No. 8 to 14 who have created a large number of bogus companies.

It is claimed by the petitioner that Bathinda Police has not investigated the matter in a fair manner and that not even a single penny has been recovered till date. It has also been submitted that no investigation has been conducted by the investigating agency about the details of the other companies floated by the accused.

I have heard learned counsel for the petitioner and carefully gone through the record and I am of the opinion that the scope of issuance of direction regarding the mode to be adopted for investigation is very limited. Unless and until, it is apparent from the record that statutory provisions of Chapter XII Cr.P.C or relevant provisions of police rules regarding investigation are being not followed, it will not be appropriate for this Court to issue any direction regarding investigation or for transfer of the investigation to any other agency.

I have considered the grievance of the petitioner that certain material relevant for arriving at fair conclusion regarding the complicity of the accused having been avoided by the investigating agency. In this context, the petitioner does not seem to have approached any senior authority of the Punjab Police except for representation Annexure P-10. Even perusal of the said representation indicates that no details of any evidence or witnesses which is relevant for determining the culpability of the accused, having been ignored by the investigating agency, have been given in it.

Since the investigation is still in progress, this petition is disposed of with a direction that in case the petitioner or any other person is having any information pertaining to the subject matter of FIR No.208 dated 16.12.2014 registered at Police Station Civil Lines, Bathinda and the same is brought to the notice of the investigation officer, in that eventuality, the investigation officer shall not ignore the said material as it is mandatory for

the investigating officer to take into consideration all the statements and evidence voluntarily brought to his notice by any person as per provisions of Section 163 (2) Cr.P.C.

This petition is disposed of with liberty to the petitioner to approach the investigating agency or DGP Punjab with the material evidence which the petitioner feels being ignored or being relevant for determining the complicity of the accused persons. If any, such detailed representation containing the above said aspect is presented before the investigating officer with copy to the DGP, the same would be considered, taking into consideration the provisions of Section 163 (2) Cr.P.C which forms the part of Chapter XII Cr.P.C.

**(M.M.S. BEDI)**  
**JUDGE**

**February 08, 2016**  
*harsha*