

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

(217-A)

CRM-M-37639-2015

Decided on: February 25, 2016.

Kotak Mahindra Bank

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Nitin Thatai, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

This is a petition filed by Kotak Mahindra Bank under Section 482 Cr.P.C for a direction to respondents No. 2 to 6 to carry fair and impartial investigation/enquiry in FIR No.111 dated 08.04.2015, under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Civil Lines, Amritsar city. A direction has also been sought for arrest of the remaining accused persons involved in the FIR and to recover the money which is stated to be more than Rs. 1 crore.

In the reply filed on behalf of Assistant Commissioner of Police, North, Amritsar City, it has been asserted that since the instant case involves fraud of a huge amount and various offices, departments and companies are related with the investigation and the relevant record of fake customers is to be verified, the whole process would require a lot of time. However, it has been submitted that the person whosoever is found

guilty would be dealt with in accordance with law and investigation with regard to involvement of the remaining persons is **still being carried**.

On the instructions of SI Sohan Lal, learned State counsel informs that he has been deputed to further investigate the matter.

Learned counsel for the petitioner has submitted that Vinay Sethi, Amarjit Singh, Rajwinder Singh @ Raju and M/s Sanjiv Vohra and Associates are also involved in the fraud.

I have considered the facts and circumstances of the case and I am of the opinion that the investigation/further investigation in the present case is possible only with the information supplied on behalf of Kotak Mahindra Bank through any authorized person. The petitioner cannot blame the investigating agency for inaction without supplying the proper information and evidence regarding the culpability of the other accused.

This petition is disposed of with a direction that the petitioner Bank will depute their authorized person to apprise the investigating agency about the involvement of persons other than the persons who have been challaned along with material i.e. document and statements of witnesses within a period of three months from today. A further direction is issued to the investigating officer to follow the mandatory provisions of law regarding investigation enshrined in Chapter XII Cr.P.C and the Punjab Police Rules. In case, the investigating officer feels difficulty in handling the investigation, he may make a request to DGP, Punjab for referring the

investigation to Crime Branch or a team of some senior officers to investigate the matter.

It is further directed that any statement voluntarily offered by any representative of the Bank will not be ignored taking into consideration the spirit of Section 163 (2) Cr.P.C.

Disposed of with abovesaid directions.

(M.M.S. BEDI)
JUDGE

February 25, 2016
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