

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

CRM M-7896 of 2016

Date of decision : 07.04.2016

Manjinder Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Khurana, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner who is accused in FIR has sought transfer of investigation to another agency. Learned counsel for the petitioner submits that a fair investigation has not been conducted. All facts and circumstances have not been taken into consideration. Petitioner has been singled out for alleged crime. A perusal of the documents would show that the bank took action against other officials as well. Thus, investigation is vitiated and same needs to be transferred to another agency. He has relied upon judgment of the Apex court reported as *Vinay Tyagi vs. Irshad Ali @ Deepak & ors. 2013(2) RCR (Criminal) 197*.

I have heard learned counsel for the petitioner.

FIR was registered by Vigilance Bureau, Bathinda. It was found that Manjinder Singh (petitioner herein) had remained posted as Assistant Manager in branch Mehma Sarja of The Bathinda Central Cooperative Bank Branch, District Bathinda from 30.06.2008 to 29.05.2014. While posted as Assistant Manager, petitioner had tampered with the bank records and embezzled

₹2,90,22,215/-. He had issued 'No Objection Certificates' to the loanees but not closed their accounts. Thereafter, he withdrew huge amounts from these accounts and embezzled the same. Similar other allegations are contained in the FIR. Detailed investigation was conducted by the investigating agency. Stand of the petitioner is that challan has been presented before the court below without conducting investigation in the right perspective. I am not convinced with the plea. Allegations against the petitioner are serious. It appears that petitioner who is an accused has filed this petition only to build up his defence. There is no dispute with the proposition of law in *Vinay Tyagi's* case (supra). It is inexplicable how said judgment can help the case of the petitioner. Petition is totally frivolous in nature. No interference in inherent jurisdiction of this court is called for. Dismissed.

April 07, 2016

Ajay

(RAJAN GUPTA)
JUDGE