

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

CRWP No. 1880 of 2014

Date of decision : 24.02.2016

Ajay Bhandari

....Petitioner

V/s

State of Punjab & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Sumeet Goel, Advocate for respondent no. 4.

Mr. Angel Sharma, Advocate for respondents no. 5 & 6.

Mr. Sarvesh Kumar Gupta, Advocate for respondent no 7

Mr. Anupam Singla, Advocate for respondent no. 8.

Ms. Ritam Aggarwal, Advocate for respondent no. 9.

RAJAN GUPTA J.

Petitioner has sought transfer of investigation of FIR No. 2 dated 11.01.2007 registered at police station Vigilance Bureau, Punjab to Central Bureau of Investigation.

According to learned counsel for the petitioner, investigation can be transferred by this court to an independent agency at any stage of proceedings. He has relied upon judgment of the Apex court reported as *Bharati Tamang vs. Union of India & ors.* 2014(6)SCC(Crl) 566.

Learned State counsel has opposed the prayer. According to him, a thorough investigation has been conducted by the Vigilance Bureau. Trial has made some headway. Petitioner

even moved application under section 319 Cr.P.C. for summoning additional accused which has been allowed. Thus, plea of the petitioner at this stage is mis-conceived.

FIR was registered by Vigilance Bureau, Punjab on the physical inspection of paddy stock lying with M/s Jyoti Rice & General Mills, Khanna. It was found that there was a shortage of paddy in the stock. According to allegation, shortage had taken place in connivance with officials of Punjab Agro Foodgrains Corporation, Ludhiana. Investigation ensued and final report was submitted before the concerned court. During pendency of trial, petitioner appeared as a prosecution witness. He also moved an application under section 319 Cr.P.C. seeking summoning of two additional accused. Said application was allowed. Order was challenged before this court in CRR No. 2041 of 2014 and CRR No. 2983 of 2014. Same has been upheld by this court vide separate orders of even date. There can be no dispute with the proposition that in the given circumstances, this court can transfer investigation to an independent agency even after presentation of challan. However, in the instant case, trial of the case has made some headway. It is, thus, inexplicable why petitioner is still bent on pressing the prayer for transfer of investigation to Central Bureau of Investigation. Judgment in Bharati Tamang's case (supra) can be of no help to the petitioner in the facts and circumstances of the case. This court finds the prayer totally frivolous. Same is hereby rejected and petition is dismissed.

February 24, 2016

Ajay

(RAJAN GUPTA)
JUDGE