

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17460 of 2015 (O&M)
Date of Decision: April 21, 2016

Jaskaran Grewal and anotherPetitioners
versus
Union of India and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Sachit Kumar Sahijpal, Advocate, for the petitioners
Mr.Satya Pal Jain, Assistant Solicitor General of India
with Mr.Dheeraj Jain, Advocate, for the respondents.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Dheeraj Jain, Advocate, accepts
notice on behalf of the respondents.

Let six copies of the writ petition be supplied to
learned counsel for the respondents during the course of day
failing which this order shall be automatically recalled and the
writ petition shall be deemed to have been dismissed for non-
prosecution.

[2] In view of the nature of order which we propose to
pass without going into merits of the allegations made by the
petitioners, it is not necessary to seek any counter-reply from

the respondents at this stage.

[3] This writ petition has been filed purportedly in public interest. The Director of Enforcement Directorate, Joint Director (Administration), Special Director (Enforcement), Joint Director posted at Chandigarh and the Additional Director holding the additional charge of Special Director, Enforcement Directorate, Chandigarh are amongst those arrayed as party-respondents.

[4] The following reliefs have been sought by the petitioners:-

- “A. issue an appropriate writ of mandamus or any other writ, direction or order directing respondent Nos.2 to 4 to complete the investigation in ECIR/05/CDZO/2013 and ECIR/08/CDZO/2013 within a time bound period;
- B. issue an appropriate writ of mandamus or any other writ, direction or order directing that the investigation in the said ECIRs be monitored by this Hon'ble Court as highly influential persons especially the family of a sitting Senior High Court Judge has been named as suspect in the case;
- C. issue an appropriate writ of certiorari or any other writ, direction or order setting aside the impugned order dated 15th July, 2015 issued by respondent No.2 transferring Shri Suresh Kumar Batra, Assistant Legal Advisor, Chandigarh Regional Office associated with the investigation to the Bangalore Regional Office

of the Enforcement Directorate until conclusion of the investigation proceedings in all related matters pertaining to the instant case;

- D. issue an appropriate writ of mandamus or any other writ, direction or order directing respondent No.2 not to transfer any official/officer connected with this case without the leave of this Hon'ble Court;
- E. summon the records of both the cases from the respondents;
- F. exempt issue of advance notices and filing of certified/typed copies of the annexures and permit filing of photostat copy of Annexure P2;
- G. pass such orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case....”

[5] We have heard learned counsel for the petitioners at a considerable length in support of the prayers reproduced above. Learned Additional Solicitor General of India, who is present in Court, has also assisted the Court on our asking.

[6] In sum and substance, the petitioners' allegations are that since some highly influential persons holding public offices of paramount importance are suspected to be involved in the subject-case of 'money laundering', the ongoing investigation in the case(s) registered by the Directorate of Enforcement has been got stalled as there are no visible movements in the right direction.

[7] In this context it is relevant to mention that the

petitioners' apprehension with regard to the transfer of some of the officers out of Chandigarh/Punjab region to whom the investigation was entrusted has since been effectively redressed by this Court through two interlocutory orders dated 21.01.2015 and dated 24.08.2015 passed in another Public Interest Litigation, i.e., CWP No.20359 of 2013 (Court on its own motion versus State of Punjab). Vide those orders, the transfer of two officers (including the one whom the petitioners do not want to be transferred out from Chandigarh) has been stayed and they continue to hold their respective positions under the orders of this Court. There is thus no legal impediment for the two officers to perform their duties and investigate the cases entrusted to them impartially and fearlessly. No cause of action qua prayer Nos.C & D thus survives.

[8] Further, no omnibus direction for not transferring any officer/official of the Directorate from Chandigarh can be issued as it is likely to hamper even the routine administrative reshuffles or movements.

[9] As regard to prayer No.'A', for time bound investigation in the matter, it goes without saying that every investigation or enquiry should be conducted within a reasonable time in the larger public interest. Nevertheless, this Court cannot be oblivious of the fact that some times the outer-limits set out for concluding a probe can unwittingly scuttle the ongoing investigation and prompts the prosecution to submit a half-baked report, contrary to the object, spirit and import of the judicial command. We, therefore, at this stage direct the authorities concerned, through the learned Additional Solicitor General of India, to conclude the ongoing

investigation within a fairly reasonable period and take the matter to its logical conclusion.

[10] Nothing else needs to be reminded to the Investigating Agency except what has been very aptly ruled by the Hon'ble Supreme Court in paragraph 32 of its recent decision in Common Cause and others versus Union of India (UOI) and others, (2015) 6 SCC 332, which reads as follows:-

“...32. There is a very high degree of responsibility placed on an investigating agency to ensure that an innocent person is not subjected to a criminal trial. This responsibility is coupled with an equally high degree of ethical rectitude required of an investigating officer or an investigating agency to ensure that the investigations are carried out without any bias and are conducted in all fairness not only to the accused person but also to the victim of any crime, whether the victim is an individual or the State....”

[11] Adverting to the prayer-'B', we have no material on record or a valid reason to doubt the competence or integrity of the Investigating Agency, hence, no monitoring by this Court is required, morso when the very foundation of the petitioners' apprehension no longer exists.

[12] This Court reiterates its faith and trust in the respondent-authorities that they would act in a fair, impartial and un-biased manner and conclude the ongoing investigation/inquiry within a reasonable period.

[13] The writ petition stands disposed of in above terms.

[14] Dasti.

[SURYA KANT]
JUDGE

April 21, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE

CM No.2038 of 2016 in
CWP No.17460 of 2015

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Jaskaran Grewal and another vs. Union of India and others

Present : Mr.Sachit Kumar Sahijpal, Advocate,
for the applicant-petitioners.
Mr.Satya Pal Jain, Assistant Solicitor General of
India with Mr.Dheeraj Jain, Advocate,
for the respondents.

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Learned counsel for the petitioners states that he
does not press this application.

As prayed for, the application is dismissed as not
pressed for.

(SURYA KANT)
JUDGE

April 21, 2016
mohinder

(A.B.CHAUDHARI)
JUDGE