

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16475 of 2018 (O&M)
Date of Decision :23.08.2018

Hukam Singh and others

.....Petitioners

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Narender Pal Bhardwaj, Advocate for the petitioners.

Mr. Deepak Balyan, Addl. A.G. Haryana.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

Status report filed by the learned Additional Advocate General appearing for the State of Haryana is taken on record. It has been informed that FIR No.101 dated 30.03.2018, under Sections 406, 409 and 420 of IPC, Police Station Nissing, District Karnal, lodged by the petitioners is under investigation and is likely to be completed in near future. Orally, we have been informed that looking to the facts and the number of witnesses etc. involved it may take about three month's to complete the investigation.

After heard learned Additional Advocate General and having perused the status report we are satisfied that the investigation is being carried out in a proper manner and we have no reason to dis-believe that it shall not be brought to a logical end soon. In so far as, the other relief prayed for by the petitioners regarding direction to refund the money

allegedly mis-appropriated by the deceased employee of the post office instead of depositing the same in the accounts of the petitioners under the principle of vicarious liability shall only be liable to be considered after the investigation is complete and the allegations made by the petitioners are established to be true and correct.

Even otherwise, if there exists any right with the petitioners to recover the money it is always open to them to take such proceedings as may be available to them in common civil law. The said right if any vesting in the petitioners is independent of the investigation. In view of the aforesaid facts we disposed of the writ petition by recording that the respondents shall make every endeavour to complete the investigation as expeditiously as possible and submit a report under Section 173 of Cr.P.C. accordingly and it is left open to the petitioners to take such appropriate proceedings as may be available to them in civil law and they may be advised in so far as their claim for refund of money is concerned.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.08.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No