

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

CRM-M-8696-2019 (O&M)
Date of decision : 18.12.2019

Sonjjay Khanna

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. J.S. Mehndiratta, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (ORAL)

On 26.02.2019, while noticing the contention of learned counsel for the petitioner, following order was passed:-

“Learned senior counsel for the petitioner contends that the FIR is based upon a total falsehood. The petitioner does not deal in sale of automobile parts nor is the complainant involved in the business of purchase of automobile parts. The petitioner works as consultant for companies who are interested in getting finance from international financial institutions. In this case, the complainant wanted infusion of a total of 50 million US dollars and the petitioner helped him avail the facility from an international financial institution. The first instalment was of 10 million US dollars as is evident from

annexures P2 to P7, but case set up in the FIR is the result of a fertile imagination. There is no truth in it and same has been registered only to settle personal scores with the petitioner in connivance with the local police for reasons best known to the complainant. The petitioner was arrested on 4.2.2019 and was released on bail on 8.2.2019 as is apparent from order of even date (Annexure P14) because on the same day, the complainant made a statement that the parties have reached an amicable settlement. While in police custody, the petitioner was coerced into signing 17 post dated cheques totaling a sum of Rs.6.0 crores. Thus, the process of the criminal law has been misused by the complainant to extort money from the petitioner.

Notice of motion for 29.3.2019.

Meanwhile, respondent No.2 is directed to get an enquiry conducted by an officer of the rank of Inspector General of Police posted in his office and status report be submitted on or before the next date of hearing.”

Pursuant thereto, Director General of Police, Haryana has filed affidavit dated 29.04.2019, wherein it has been stated as under:-

“3. That it is submitted that the enquiry officer vide memo. No. 73 dated 18.04.2019 has submitted the enquiry report. The Enquiry Officer has pointed out certain deficiencies in the investigation of Case FIR No. 32 dated 15-1-2019 under section 406/420/506 IPC PS Suraj Kund, District Faridabad and has recommended that further investigation be conducted in the matter.

4. That in view of findings of the enquiry officer and deficiencies in investigation pointed out by him in the aforementioned case FIR; it has been decided to transfer

the case for further investigation to the Special Task Force (STF) Haryana which is headed by an IG rank officer. Accordingly, Inspector General of Police, STF, Bhondsi, Gurugram has been directed to constitute an SIT headed by an IPS Officer to further investigate the matter. The SIT will function under direct supervision of the Inspector General of Police, STF. A copy of the order is annexed as Annexure R-1 for kind perusal of this Hon'ble Court.

5. *That it is submitted that the IG, STF, Haryana has also been directed to review the investigation done so far by with a view to ascertaining if the investigating officer of EOW Faridabad is guilty of any omission or Commission while conducting the investigating and bring the same to the notice of the deponent for necessary departmental action against the delinquent official or officials. A copy of the order is annexed as Annexure R-2 for kind perusal of this Hon'ble Court.*

6. *That it is submitted that the petitioner has prayed in the petition for quashing of FIR No. 0032 dated 15.01.2019 u/s 406/420/506 IPC PS-Surajkund, District-Faridabad or issuance of direction to the Director General of Police, Haryana for handing over the investigation in the abovementioned FIR to be conducted by a special investigation team comprising of senior officers of IPS rank from outside the jurisdiction of Faridabad. Prayer of the petitioner stands addressed as the case has been transferred to STF, Haryana which is independent of the District Police for further investigation.”*

Thereafter, a fresh affidavit has been filed in which it has been

stated that Special Investigating Team has been constituted by the Inspector General of Police, Special Task Force (STF).

Learned counsel for the State, on instructions from SI Madan Lal, has submitted that the Special Investigating Team would conclude its investigation within 2 months and submit the report to the Director General of Police, Haryana.

Keeping in view the aforesaid statement, learned counsel for the petitioner submits that the present petition may kindly be disposed of, at this stage.

Ordered accordingly.

18.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No