

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

CWP No. 8300 of 2019
Date of decision:-03.04.2019

Jeev Raj Gurjar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Isha Goyal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners have filed the instant writ petition seeking a mandamus for entrusting the investigation pursuant to registration an FIR No.222 dated 30.03.2018 under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station Sadar, District Palwal, Haryana to the Central Bureau of Investigation, to ensure a free, fair and impartial investigation.

The prayer in the instant petition is founded on the premise that the FIR in question was registered on the statement of one Neeraj Jain, who was Director of Namo Alloys Private Limited and allegations were essentially against the Chartered Accountant of the complainant company namely Ritesh Jaju, who is stated to have embezzled a huge sum of money in connivance with the Bank and company staff as also with other firms namely Aditya Group, Gupta Group, Cool Age Air Condition, Ganpati Aman, N.K. Builder, M.G. Trading, Raj Enterprise, Shiv Enterprises, by preparing forged and false documents. It is argued that the petitioners

herein have not even been named in the FIR.

Having heard counsel for the petitioner at length and having perused the pleadings on record as also the FIR in question, this Court is the considered view that merely on account of petitioners herein having not been named in the FIR, cannot be made a basis to infer that investigation in the matter is not been conducted in a fair and impartial manner and as such ought to be entrusted to the CBI.

During the course of arguments, counsel concedes that the petitioners have otherwise dealings with the complainant party. The petitioners herein are stated to have been issued notices dated 25.01.2019 and 26.01.2019 Annexures P-4 to P-6 under Section 41 (2) Cr.P.C. by the official heading the Special Investigation Team in the matter. The same would be a part and parcel of a comprehensive investigation that is to be carried out.

At this stage, counsel having sensed that this Court is not inclined to intervene in the matter, prays for withdrawal of the writ petition.

Dismissed as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

03.04.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No