

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

**CRM-M-28539-2017**

**Date of Decision:22.10.2019**

Baldev Singh

...Petitioner

**Versus**

State of Punjab and others

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr.G.S.Bhatia, Advocate for the petitioner.  
Mr.SPS Tinna, Addl. Advocate General, Punjab.

**ANIL KSHETARPAL, J.**

The present petition has been filed with the following  
substantive prayers:-

*“It is, therefore, respectfully prayed that the petition may kindly be allowed and direction be issued to respondent no.3-ACP South, Amritsar for not interfering in the administration of justice by conducting parallel enquiry regarding the dispute of cheque bounce when already case under Section 138 of N.I. Act is proceeded in the Court of law and not to harass the petitioner on the false and frivolous complaints given by private respondent no.5, in the interest of justice.*

*With further prayed that this Hon'ble Court may kindly stay the enquiry no.636-PC/DCP dated 06.07.2017 being conducted on the false and frivolous complaint given by respondent no.5, wherein under the garb of the said enquiry he is trying to pressurize the petitioner to withdraw the complaint filed by the petitioner under Section 138 of N.I. Act, in the interest of justice.”*

Learned counsel for the petitioner, while drawing attention of  
the court to the order dated 04.08.2017, submits that in view of the restraint

order the police officials could not take further steps in the complaint.

It has been pointed out by learned counsel for the State that the investigating agency had received a complaint with regard to theft of cheques in which after enquiry investigating agency found some substance and therefore registered an FIR. The investigation in this case has been carried out by two different officers and the prosecuting agency has formed an opinion that a 'prima facie' triable case is made out against the petitioner.

Learned counsel for the State has also pointed out that the petitioner is a habitual offender and there are five criminal cases against the petitioner.

No doubt, there was an order of restraint. However, learned counsel for the State has explained that due to inadvertent, last part of the order was overlooked and the police went ahead with the investigation. However, he submits that on conclusion of the investigation, it has been found that the blank signed cheques were stolen and all the columns have been filled in by that petitioner with his own hand.

Keeping in view the aforesaid facts, this Court is of the considered view that no doubt the police officials have violated the order dated 04.08.2017, however, only on this ground, the investigation carried out by the investigating agency cannot be nullified. Still further, the order was passed on 04.08.2017 whereas the report of the investigating agency is dated 14.08.2017 i.e. after a period of 10 days. There is no conclusive evidence to the effect that on which date the investigating agency came to know about the order dated 04.08.2017.

Once the investigating agency has completed the investigation, this Court does not find that the directions, as prayed for by the petitioner, can be issued. However, officials of the investigating agency are directed to remain careful in future.

In view of the above, the present petition is disposed of.

**22.10.2019**  
**mks**

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned:    Yes/No

Whether Reportable:            Yes/No