

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

CRM-M-44017-2018

Date of decision: May 21, 2019

Puneet Punia

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Loveleen Dhaliwal, Advocate
 for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for direction of fair investigation or in alternate to hand over the investigation in FIR No.163 dated 9.6.2018 under Sections 149/204/409/477-A IPC, Police Station Arya Nagar, Rohtak, District Rohtak to some other independent agency.

Brief facts of the case are that the petitioner is an Advocate practising at Rohtak and, in nutshell, the allegations pertained to the construction of chambers in Judicial Court Complex at Rohtak. The petitioner alleged that there is mis-utilization of the money and even the construction has been raised without the proper sanction/approval of the government.

Status report by way of affidavit of Superintendent of Police, Jhajjar, District Jhajjar is on record. Relevant paras of the status report are as under :-

“3. That the complaint was entrusted to the Economic Offences Wing of the District Police and after preliminary enquiry the In-charge, Economic

Offences Wing, Rohtak had forwarded the complaint to the Police Station Arya Nagar, Rohtak and, accordingly, the FIR was registered. The investigations were taken up at Rohtak. Thereafter, the Inspector General of Police, Rohtak Range, Rohtak had passed order dated 31.8.2018, whereby the investigation of the case had been transferred by name to Shashank Kumar Sawan, IPS, the then Assistant Superintendent of Police, Jhajjar. An affidavit had been filed by Shashank Kumar Sawan, IPS, the then Assistant Superintendent of Police, Jhajjar before this Hon'ble Court apprising this Hon'ble Court regarding the status of investigation of the FIR aforementioned.

4. That for the purpose of conducting fair, proper and impartial investigation, Superintendent of Police, Rohtak constituted a team headed by Ramesh Kumar DSP, Rohtak, who issued oral direction to SI Surender for joining the complainant in investigation and for collecting statement of all account of all bank District Bar Association, Rohtak, here-in-after called as DBA, Rohtak and for collecting the ledger book, cash book, minutes book and cheque book etc. from ex-President and General Secretary of DBA, Rohtak.
5. That in pursuance of order of DSP Ramesh Kumar HPS, SI Surender Singh went to Court premises at Rohtak where Shri Puneet Punia was found present in Court complex and he was joined in investigation and his statement under Section 161 Cr.P.C. was reduced into writing on 5.7.2018.

6. That, thereafter, Ramesh Kumar DSP issued following necessary and requisite direction for the purpose of furthering the investigation to SI Surender :-

- (a) For collecting receipt of donations;
- (b) To ascertain the fact in which account, money so collected was deposited;
- (c) Statement of accounts of all Bank of District Bar Association, Rohtak;
- (d) Detail of the expenditure where money was used;
- (e) Annotated statement of donation and expenditure be prepared;
- (f) Rule/policy of the DBA for collection, donation and expenditure;
- (g) Total money received by DBA, Rohtak before constructing the disputed chamber;
- (h) Quotation, if any, before giving contract to the contractor;
- (i) Copy of tender be collected;
- (j) Rules/Regulation for giving contract.

7. That on 23.8.2018, SI Surender Singh met with Ex-General Secretary and President, namely, Sumit Budhwar and Deepak Kundu who assured SI Surender Singh that they would hand over the complete record of DBA, Rohtak on or before 3.9.2018.”

Learned State counsel, on instructions from the Superintendent

of Police, who is present in the Court, further submits that the accused have joined the investigation on 20.4.2019 and, thereafter, the investigation is likely to be completed after recovery of certain documents from Kajal Constructions, as the responsible persons have been called for joining the investigation.

Learned State counsel, on further instructions, stated that the investigation will be completed within two month from today and final report under Section 173 Cr.P.C. will be presented before the Illaqua Magistrate on or before 22.7.2019.

In view of the above, the present petition is disposed of, at this stage.

(ARVIND SINGH SANGWAN)
JUDGE

May 21, 2019
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No