

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

CRM-M-46110-2018
Date of Decision:-21.2.2019

Nitin Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking transfer of investigation pertaining to FIR No.1300 dated 19.09.2018 under Sections 120-B, 166, 174-A, 218, 221 of Indian Penal Code, 1860, Police Station Panipat City, District Panipat from Crime Branch to some other independent agency.
2. Initially in the year 2010, one FIR No.336 dated 28.07.2010 was registered at Police Station Model Town Panipat upon a written complaint made by M/s Hindustan Petroleum Corporation against the petitioner Nitin Sharma, proprietor M/s Krishna Gas Agency, Panipat as well as against some officials of Hindustan Petroleum Corporation

namely Parveen Pushkar, Senior Manager, Ms. Poonam Puri etc. alleging therein that the accused had conspired and embezzled huge amount of ₹7.16 crores of M/s Hindustan Petroleum Corporation. In the aforesaid matter, Nitin Sharma was released on bail after about 2 years of detention in custody. Even the co-accused Praveen Pushkar and Rajiv Puri were granted regular bail after they had remained in custody for several months. However, Poonam Puri was not arrested and was declared a proclaimed offender. Her petition for grant of anticipatory bail was dismissed upto Supreme Court. Subsequently, she surrendered before the trial Court on 17.03.2018 and where DSP Naresh Kumar Ahlawat was present and upon an application moved by said DSP, accused Poonam Puri was directed to join investigation. However, the police did not seek her police or judicial remand and consequently she was released on bail on the same day itself i.e. 17.03.2018. Based on the aforesaid facts one of the accused in aforesaid FIR No.336 dated 28.07.2010 under Sections 403, 405, 408, 409, 411, 467, 471, 477-A, 420, 120-B, 477 of Indian Penal Code, 1860, Police Station Model Town, Panipat i.e. petitioner Nitin Sharma made a complaint to the police to the effect that Naresh Kumar Ahlawat had shown undue favour to Poonam Puri and had helped her to get bail from the Court after her surrender. On the basis of said allegations, present case bearing FIR No.1300 dated 19.09.2018 under Sections 120-B, 1661, 174-A, 218, 221 of Indian Penal Code, 1860, Police Station Panipat City, District Panipat was lodged.

3. At the time of issuing notice of motion on 17.10.2018, this Court had directed the State counsel to file reply and to specify as to under what

circumstances the investigation of the case has been transferred to Special Investigation Team to State Crime Branch.

4. Reply by way of affidavit of Sh. Atma Ram, DSP, State Crime Branch (H), Madhuban, Karnal has been filed, the relevant extract from the affidavit dated 17.01.2019 reads as follows:-

“That the Director General of Police, Crime, Haryana, Panchkula vide their office Endst. No.4665/68/spl dated 25.09.2018 has transferred the investigation from S.P. Karnal to State Crime Branch, headed by S.P. State Crime Branch, Madhuban, Karnal, Haryana to conduct further investigation, in case FIR No.1300 dated 19.09.2018 U/S 166/174-A/218/221 & 120-B of IPC Police Station City Panipat. The copy of order dated 25.09.2018 is attached herewith as Annexure R-1 for the kind perusal of this Hon’ble Court. However, at present investigation is being thoroughly conducted by the deponent being member of the SIT because a SIT has been constituted by the Director General of Police, Crime, Haryana, Panchkula vide their office endst. No.19574-80/CR-1 dated 28.09.2018. The head of the said SIT is SP State Crime Branch, Madhuban (Karnal), Director General of Police, Haryana, Panchkula.”

5. In view of the aforesaid stated position wherein it is noticed that the investigation is being conducted by a SIT headed by Officer of the rank of SP, this Court does not find any ground to transfer the investigation to any other agency at this stage. However, bearing in mind the enormity of the fraud in the main case i.e. FIR No.336 dated 28.07.2010 under Sections 403, 405, 408, 409, 411, 467, 471, 477-A, 420, 120-B, 477 of Indian Penal Code, 1860, Police Station Model Town, Panipat, it is

ordered that the SIT conducting investigation in the present case shall keep the Director General of Police, Haryana regularly updated on the progress of the case.

6. The petition stands disposed of with the aforesaid directions.

21.2.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No