

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M -48021 of 2018
Date of Decision: 05.09.2019

Manjit Singh ...Petitioner
Versus
State of Punjab ...Respondent

2) CRM M no.45996 of 2018
Mohinder Singh Mann ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rishab Sharma, Advocate, for the petitioner.
Mr. APS Gill, DAG, Punjab.
Mr. Harish Sharma, Advocate, for the complainant.
Mr. N.S. Mahal, DSP, Banga.

Amol Rattan Singh, J. (Oral)

A reply by way of an affidavit of Sh. Ranbir Singh Khatra, Deputy Inspector General of Police, Ludhiana Range, (in CRM-M-45996 of 2018), has been filed in Court today by the learned State counsel, which is ordered to be taken on record.

A copy of the reply has been given to the learned counsel for the petitioner.

It has been stated that in the affidavit that as a matter of fact, it was not the SSP, SBS Nagar, who had approved the recommendation of the DSP (that only departmental action be taken against the employees of the 'complainant company' and recovery be made from them, with no criminal

liability suggested), but it was Mr. Gagan Ajit Singh, PPS, then SP, Investigation, who in fact had signed as the SSP.

It has also been stated that the DSP (Detective), as also the Incharge of the Economic Offences Wing, (Inspector Lehmbhar Singh) and one ASI Rajinder Singh, were all found negligent in investigating the complaint; and consequently, the matter has been referred to the DGP, Punjab, on 30.08.2019, for taking necessary action as per rules.

Though learned counsel for the petitioner has submitted that the gold which is contended to be spurious and was accepted as genuine by the petitioner, has not been produced by the complainant company before the investigating agency, and therefore the petitioners deserve the concession of anticipatory bail, however, in my opinion, in view of the fact that the persons who are stated to have supplied spurious gold (as per the case of the complainant), have found to be non-existent persons, the matter actually requires to be investigated in detail. For that purpose, as per the learned State counsel, custodial interrogation of the petitioners is required, (with him saying so on the instructions from Mr. N.S. Mahal, DSP, Banga).

Consequently, without making any comment on the merits of the case, for or against the petitioners in both the petitions, the petitions are dismissed.

The case files of both these matters however be put up on 10th December, 2019, with a status report to be filed on behalf of the DGP,

Punjab, as to the decision taken by him on the reference made by the SSP, Nawanshahr, as regards the negligence of the officials found (prima facie) negligent in conducting the investigation in the first place.

A copy of this order be given to the learned State counsel under signatures of the Reader of the Bench.

05.09.2019

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(AMOL RATTAN SINGH)

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: no