

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

CRM-M-45106-2019 (O&M)

Date of decision : 23.10.2019

Dayal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Arora, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Notice of motion.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab, accepts
notice on behalf of State.

This Court is of the considered view that the present petition
can be disposed of at this stage.

It is a case of the petitioner that GCA Marketing Private
Limited had collected huge amount from innocent persons with the promise
of higher returns but defaulted in repayment. Amount has also been
collected without proper sanction from Reserve Bank of India or SEBI.

In the previous petition of similar nature, on 28.08.2019,
following order was passed:-

*“Through this petition, prayer was made by the
petitioner to protect him from illegal threats and*

harassment being caused at the instance of respondent No.6 who is Member of the Legislative Assembly belonging to the Ruling Party in State of Punjab. It was alleged that GCA Marketing Private Limited is collecting huge amount from innocent person without proper sanction from the Reserve Bank of India or SEBI.

Keeping in view the allegations made, State of Punjab was requested to assist.

On 19.07.2019, this Court had directed Director General of Police to verify the facts and file affidavit as to whether the aforesaid company has requisite permission from the Reserve Bank of India or SEBI.

Pursuant to the aforesaid direction, affidavit has been filed by the Director General of Police, Punjab, in which it has been stated that the company does not have requisite permission. However, it has been stated that FIR has been registered and investigations are being carried out.

Learned counsel for the State, on instructions from Mr. Tarsem Singh, Inspector and Ms. Amandeep Kaur, Sub Inspector, has submitted that large number of complaints have been received and the amount which has been collected by the aforesaid is more than ₹400 crore.

It has further been stated that respondent No.6 is nowhere connected with GCA Marketing Private Limited. Its Directors are Amardeep Singh Cheema and Gurdeep Singh.

Keeping in view the fact that such huge amount is alleged to have been collected by the company without requisite permission from the competent authorities, therefore, it is considered appropriate to direct Director General of Police, Punjab to constitute the Special Investigating Team under the officer of the rank of Additional Director General of Police, who would

investigate the case and submit the report within a period of 3 months.

Adjourned to 02.12.2019.”

Petitioners also claim that they have also been defrauded and the amount invested by them has not been returned resulting in criminal breach of trust. Allegations made in the present petition are that Special Investigating Team constituted pursuant to the order passed by this Court, is not permitting the petitioners to file their complaint and joint investigation.

Keeping in view the facts of the present case, this Court is of the view that Special Investigating Team is not constituted to enquire into one complaint filed by the petitioner-Gurmit Singh only. Special Investigating Team is required to investigate the entire fraud, if any and thereafter submit a report.

Accordingly, the present petition is disposed of by directing Special Investigating Team to hear the petitioners and investigate their complaint also, if any, in accordance with law.

23.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No