

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

Date of Decision: 16.11.2019
CRM-M-46886 of 2019

Chamandeep Singh and another	Petitioners
	Versus
State of Punjab and others	...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sunil Chadha, Senior Advocate with
Mr. Namish Sodhi, Advocate, for the petitioners.
Mr. APS Gill, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

By this petition, as already noticed in the order dated 02.11.2019, the petitioners seek transfer of investigation in FIR no.84 dated 06.07.2019 registered at Police Station Bathinda Cantt, District Bathinda, alleging therein the commission of offences punishable under Sections 420 and 120-B of the IPC, to an agency outside the State of Punjab, on the ground that in the company in which the petitioners are Directors, one Smt. Balbir Kaur is also a Director, with her being the wife of the Superintendent of Police, Vigilance, at Bathinda itself, and therefore a fair investigation cannot be expected by the Punjab Police.

Mr. Rau P.S. Girwar, Advocate, who appears for the complainant in the other two connected petitions that are also listed along with the present petition today (by which two petitions the petitioners therein seek the concession of anticipatory bail), submits that as a matter of fact, the petitioners themselves 'have submitted the resignation' of Smt.

Balbir Kaur to the Registrar of Companies and consequently, the prayer that the investigation be transferred on that ground, is actually without basis.

Though Mr. Gill, learned State counsel submits that he may be permitted to file a status report as regards the investigation conducted by the District Police Bathinda so far, in my opinion, with it also having been pointed out by Mr. Chadha, learned Senior Counsel appearing for the petitioners, that in fact in the settlement shown to be arrived at between the first petitioner and Smt. Balbir Kaur (copy Annexure P2), it is also shown to be signed by her husband, Sh. Swaran Singh Khanna. Therefore, it would not be appropriate for the police at Bathinda to investigate the matter.

Consequently, even without awaiting any reply on behalf of the State, this petition is allowed to the extent that the investigation be transferred to the Crime Branch of the Punjab Police, with the ADGP, Crime, directed to look into the matter personally and thereafter to assign the matter to an officer not below the rank of IGP. If there is no officer of the rank of IGP in the Crime Branch, the investigation would be carried out by an officer not below the rank of DIG, failing which the ADGP, Crime, would herself take on the investigation.

The petition is disposed of accordingly.

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

16.11.2019
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: no