

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48889 of 2019

Date of Decision: 19.12.2019

Love Chawla

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rohan Garg, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

Mr. Piyush Sharma, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated December 10, 2019, another affidavit of Shri Vivek S Soni, Senior Superintendent of Police, Ferozepur, has been filed in court today by learned State counsel as has one affidavit of Shri Ishwar Singh, Additional Director General of Police, Law and Order, Punjab, Chandigarh, with the affidavit of the ADGP stating that as regards the query put by this court on what training is given to the investigating officers, on how even basic investigation is being conducted, it would be within the jurisdiction of the Director, Bureau of Investigation, Punjab or the Director of the Police Academy, Phillaur, to answer to that question.

Another affidavit of Shri Prabodh Kumar, Special Director General of

Police-cum-Director, Bureau of Investigation, Punjab, Chandigarh, has also been filed, wherein the courses imparted to police personnel undergoing the Lower School Course, Intermediate School Course and the Upper School Course, including with regard to crime investigation, have been enumerated (as were imparted in the current year, i.e. 2019).

The idea behind getting that affidavit filed was to bring to the notice of the higher police authorities that no matter what training is being imparted to police officer and officials, in too many cases it is seen that not even basic investigation, as would normally flow from a person of ordinary prudence, is conducted, examples being not even trying to obtain CCTV footage where it is available; establishing the connection between an accused and other co-accused, connections between accused and the complainants etc., with even photographic evidence not taken, in this day and age, of road side accidents and sometimes other offences also.

Coming to the merits of the present case, as per the affidavit of the SSP, it has been stated therein that (in response to the query made on the last date of hearing by this court), that the petitioner was found to be in telephonic communication with his co-accused, Mahesh Kumar, from 01.05.2018 to 10.06.2018, with 202 telephone calls having taken place between them.

It has been further stated that on 19.05.2018 and 21.05.2018, the entire amount of money stated to have been paid by the complainant, was transferred to the account of the petitioner, i.e. Love Chawla, and his wife Niti Chawla, and the aforesaid co-accused Mahesh Kumar.

The amount transferred to the petitioner and his wife was a total amount of Rs.11,00,000/-, with learned counsel for the complainant submitting that

additionally a sum of Rs.2,00,000/- had also been paid to them. However, he does not deny that the remaining money was actually deposited in the account of Mahesh Kumar, with the Inspector who has come to assist learned State counsel today, not able to clearly answer as to whether that account is still running or not because according to him it is running (with the last inquiry in that regard having been made in October 2018). Learned counsel for the complainant in fact submits that it had been stated by the Investigating Officer on an earlier occasion, that the account is no longer running.

Be that as it may, obviously the investigating agency has not been able to, for whatever reason, trace out the aforesaid Mahesh Kumar.

Nothing has been stated as to whether any look-out circulars to airports were issued, to determine as to whether Mahesh Kumar has fled the country, or should be stopped in case he tries to flee the country. It is to be noticed again, that responses from the investigating agency are coming as “fire brigade responses”, to queries put by this court each time.

Be that as it may, by this petition, the petitioner seeks the concession of bail he having remained in custody for about five months, with him having returned the Rs.11,00,000/- as is shown to have been transferred to his and his wives' account, and with no communication seen to be established so far at least by the investigating agency, between the petitioner and Mahesh Kumar after May 2018, and with the '*challan*' also having been submitted to the trial court.

Consequently, it is considered appropriate that the petitioner be now admitted to bail, to the satisfaction of that court/Duty Magistrate.

Ordered accordingly.

The petition is disposed of.

Naturally, if the complainant is aggrieved in any manner of the investigation process, he would be at liberty to avail of remedies in law, as available to him.

The affidavits filed by the learned State counsel are ordered to be taken on record.

December 19, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.