

\$~48 to 50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3372/2019**

IQBAL SINGH GULANI & ANR Petitioners

Through: Mr Ram Singh Chauhan, Mr Amit
Singh Chauhan and Mr Hemant
Chauhan, Advocates.

versus

STATE (NCT OF DELHI) & ORS Respondents

Through: Mr Sanjay Lao, ASC for State with SI
Virender Singh, Sec.-II/EOW.

WITH

49.

+ **W.P.(CRL) 3373/2019**

HARVINDER SINGH Petitioner

Through: Mr Ram Singh Chauhan, Mr Amit
Singh Chauhan and Mr Hemant
Chauhan, Advocates.

versus

STATE (NCT OF DELHI) & ORS Respondents

Through: Mr Sanjay Lao, ASC for State with SI
Virender Singh, Sec.-II/EOW.

AND

50.

+ **W.P.(CRL) 3378/2019**

JASBIR SINGH & ANR Petitioners

Through: Mr Ram Singh Chauhan, Mr Amit
Singh Chauhan and Mr Hemant
Chauhan, Advocates.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr Sanjay Lao, ASC for State with SI
Virender Singh, Sec.-II/EOW.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

04.12.2019

CRL.M.A. 41762/2019 in W.P.(CRL) 3372/2019

CRL.M.A. 41765/2019 in W.P.(CRL) 3373/2019

CRL.M.A. 41773/2019 in W.P.(CRL) 3378/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3372/2019

W.P.(CRL) 3373/2019

W.P.(CRL) 3378/2019

2. The petitioners have filed the present petitions, *inter alia*, praying that directions be issued to respondent no.1 to transfer the investigation relating to FIR No.0019/2018; FIR No.0018/2018; and FIR No.0017/2018 to Central Bureau of Investigation (CBI). All the aforesaid FIRs are under Sections 420/406/34 of the Indian Penal Code, 1860 (IPC) and were registered with PS Barakhamba Road, New Delhi.

3. This Court is informed that the investigation relating to said FIRs has already been transferred to EOW, as there are a number of cases that have been instituted against the accused. The learned counsel appearing for the petitioners, state that the petitioners, essentially, seek that the investigation be monitored by this Court. They point out that the petitioners had filed

appropriate applications before the learned ACMM for monitoring the investigation. However, the said applications were withdrawn in view of the status report filed, which stated that “*all cases against various projects of M/s TDI Infrastructure Ltd. are being monitored by the Hon’ble High Court*”. The learned counsel submits that in the circumstances, the investigation relating to FIRs in question be also monitored by this Court.

4. Mr Lao, learned ASC appearing for the State states that an incorrect statement to the effect, that this Court was monitoring any investigation, had been made in the status report filed before the learned ACMM. He, however, states that certain petitions are pending wherein the petitioners have made similar prayers. He has also referred to an order dated 15.01.2019 passed in ***Tara Devi & Anr. v. The State Govt. of NCT of Delhi & Ors.: W.P.(Crl.) 3148/2017***, whereby this Court had directed as under:-

“Commissioner of Police will ensure that all complaints received against M/s TDI Infrastructure Ltd. and its office bearers/Directors in relation to the various projects at TDI, Kundli City be got transferred to EOW so that they can be investigated further.”

5. It is stated that pursuant to the said order, the investigations were transferred to the EOW.

6. Since, it is now confirmed that this Court is not monitoring any investigation and the statement made before the learned ACMM was incorrect, this Court considers it apposite to observe that the applications filed by the petitioners are liable to be restored before the learned ACMM.

7. The petitioners are at liberty to file an appropriate application(s)

before the learned ACMM for restoration of their earlier applications, which was withdrawn pursuant to the status report filed by the investigating officer. On such applications being filed, the earlier applications preferred by the petitioners under Section 156(3) of the Cr.P.C. would be taken up by the learned ACMM and dealt with in accordance with law.

8. It is also the petitioners' grievance that the investigation is getting highly belated.

9. In view of the above, this Court directs the Special CP, EOW (under whose supervision the investigations are being conducted) to conclude the investigations as expeditiously as possible and preferably within a period of four months from today.

10. It is clarified that if the investigations are not completed within a period of four months from today, the petitioner are at liberty to apply afresh.

11. The petitions are disposed of with the aforesaid observations.

VIBHU BAKHRU, J

DECEMBER 04, 2019
MK