

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-6724-2021

Date of Decision: 05.08.2021

Nitin Singla and another

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akshay Jindal, Advocate, for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed seeking a direction to take appropriate action against respondent No.4 who is illegally harassing the petitioner at the behest of private respondent Nos.6 to 8 and also to grant protection of life and liberty to the petitioners, with a further prayer to direct the official respondents to decide the representation of the petitioners Annexure P-5 dated 09.07.2021 in a time bound manner and further prayer was made seeking direction to respondent No.5-Bank to de-freeze the account of the petitioners. However, at the time when the notice of motion was issued in this case on 22.07.2021 the petitioners had withdrawn prayer (v) with liberty to avail the remedy available to them in accordance with

law.

Mr. Naveen Singh Panwar, DAG, Haryana has submitted that the reply has been filed by the Assistant Commissioner of Police, Panchkula on behalf of respondent Nos.1 to 4. It is directed that the reply be taken on record.

Learned counsel for the petitioners has submitted that he has received a copy of the reply and gone through the same.

A perusal of affidavit shows that it has been stated by the Assistant Commissioner of Police that the petitioners who are the employees of respondent Nos.6 to 8 had rather misused the faith of respondent Nos. 6 to 8 by grabbing the money of the firm fraudulently and cheated respondent No.8 and also respondent Nos.6 and 7 and thereafter, on the basis of the complaint filed by respondent No.8, the Assistant Commissioner of Police, Panchkula directed to register FIR No.123 dated 23.07.2021, under Sections 406, 408, 420, 506 and 120-B IPC was registered in the Police Station Raipur Rani against both the petitioners and other co-accused. It has been further stated in the affidavit that the investigation was transferred to Detective Staff, Panchkula. It has been further stated in the affidavit that the complaint filed by the petitioners against respondent Nos.6 to 8 and also against one Rakesh Singla and Sanjay Singla including other three accused was received in the office of the Commissioner of Police, Panchkula on 16.07.2021 and the police is also conducting inquiry regarding the contents of the said complaint.

Both the learned counsel for the parties have stated that the

aforesaid complaint which was received by the office of Commissioner of Police on 16.07.2021 is Annexure P-5 which was given by the petitioners.

In view of the affidavit filed by the State that rather an FIR has been registered against the petitioners on the basis of the facts and circumstances of the case, the present petition would not survive. However, learned counsel for the petitioner has stated that in fact it is a case where the police has falsely implicated the petitioners by lodging the FIR and no action has been taken on the complaint Annexure P-5 filed by the petitioners.

Learned State counsel has stated that as per the affidavit an Enquiry is being conducted with regard to the aforesaid complaint.

Learned counsel for the petitioners has stated that the contents of the complaint disclose a cognizable offence and, therefore, action should be taken on the complaint Annexure P-5 at the earliest.

In view of the above, the present petition is disposed of with a direction to respondent No.3 to expedite the process undertaken on the complaint filed by the petitioners Annexure P-5 and thereafter, to take a final decision on the same in accordance with law within a period of two weeks from the date of receipt of the copy of this order.

05.08.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No