

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

CRWP No.8935 of 2020 (O&M)

Date of Decision:24.11.2021

Rajiv Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

Mr. Bhanu Pratap Singh, Advocate
for respondents No.4 & 5.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Article 226 of the Constitution of India seeking direction to respondents No.2 & 3 to protect the life and liberty of the petitioner at the hands of respondents No.4 and 5 as respondent No.3 is bent upon to register a false and fabricated case against him at the behest of respondents No.4 & 5.

Learned counsel for the petitioner herein would contend false implication of the petitioner at the hands of Sawaran Kumar-respondent No.5, who has submitted an application dated 10.09.2020 to SSP, Hoshiarpur against the petitioner and his father alleging that he had taken a loan of ₹2 lakhs @2% per month from the petitioner but the petitioner had transferred several lakhs through net banking fraud.

Learned counsel for the petitioner would further submit that all allegations as set out in the application furnished by Sawaran Kumar are

false and the matter needed to be investigated thoroughly.

Pursuant to notice of motion, reply has been filed on behalf of the respondent-State, which is taken on record.

As per the reply filed, an initial enquiry had been conducted by respondent No.3 wherein it was found that the petitioner had got transferred an amount of ₹56,51,292.47 from respondent No.4-Kanta Devi's account bearing No.0456000400004063 of Punjab National Bank of Talwara and from respondent No.5-Swaran Kumar's account No. 0456000400003709 of Punjab National Bank of Talwara to accounts of Banks of Ganpati Jewellers owned by Vijay Kumar father of the petitioner, Ganesh Finance, petitioner-Rajiv Kumar, Vijay Kumar father of the petitioner and their relative Neha Bajaj through Net Banking whereas the complainant-respondent No.5 stated in his statement that he took loan amounting ₹2 lakhs only from the petitioner in the year 2014. Respondent No.5 also stated that at the time of giving loan to him, petitioner got opened net banking from him and his mother and kept password of net banking with him whereas they are illiterate person and do not know about net banking. Petitioner also took blank cheques from him and his mother at the time of giving loan to him. Thereafter, the said enquiry was transferred from the office of respondent No.3 to the SHO, Police Station Talwara on 15.11.2020 and the SHO, Police Station, Talwara marked an enquiry to Sub Inspector Dharaminder Singh. SI Dharminder Singh has conducted an enquiry into the above application and the allegations levelled have been found to be false and he has recommended filing of the said application.

At this stage, appearance has been caused on behalf of

respondents No.4 & 5, who would rely upon the preliminary enquiry of respondent No.3 against whom allegations have been made in the present petition. Learned counsel appearing on behalf of the respondent No.5-complainant would urge that a huge fraud has been played upon respondent No.5 and therefore, prays that investigation in the matter be referred to a person of higher authority.

Learned State counsel while relying upon the reply would submit that based on the allegation that respondent No.3 was harassing the petitioner, enquiry was marked to another police station and on enquiry, the application filed by the complainant has been filed as being false and frivolous.

I have heard learned counsel for the parties and perused pleadings of the case and the reply filed and find that the matter has been investigated by a different police station and the matter stands consigned, therefore, the instant petition has been rendered infructuous. In case the complainant has any grievance against the findings of the second enquiry officer, he would always be at liberty to challenge the same.

With these observations, the instant petition stands disposed of.

(JAISHREE THAKUR)
JUDGE

November 24, 2021
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No