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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.6328 of 2022(O&M).
Date of Decision: 10.08.2022**

HDFC Bank and another

.....Petitioners

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. A.S. Talwar, Advocate and
Mr. Rishab Raj Jain, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. J.S. Yadav, Advocate
for respondents No.5 and 6.

RAJ MOHAN SINGH, J.(Oral)

During course of arguments, learned counsel for the petitioners confines his prayer only to the extent of challenging the notice dated 16.03.2022 issued by the police to the petitioner No.2. All other prayers are not pressed at this stage.

Notice issued to respondent No.2 reads as under:-

“E.O.W. lind

Distt. Gurgaon

Case FIR No.260 dated 29.09.2021 U/s 420, 467, 468, 471, 120-B IPC PS Manesar, Gurugam.

Notice to Join Investigation

You are hereby, informed that above said case FIR No.260 dated 29.09.2021 U/s 420, 467, 468, 471, 120-B IPC PS Manesar, Gurugram is registered against HDFC Bank and others. The case is under investigation. There is sufficient reasons on the case file to questioning you. So, you are hereby informed/directed to come present personally at Economic Offence Wing 2nd located in the premise of Police Station Cyber Crime Gurugram, DLF Phase-5, Sector-43, Gurugram to join investigation on 21.03.2022 at 11:30 AM with relevant record/material.

*Umesh Kumar SI,
Economic Offences Wing-II,
Gurugram
Contact No.9899344686
Date-16.03.2022*

- 1. Mr. Shashi Jagdishan, CEO HDFC Bank*
- 2. Mr. Gulshan Mehta, Business Manager, HDFC Bank*
- 3. Mr. Piyush Gupta, Operation Manager, HDFC Bank*
- 4. Mr. Rajkumar (R18033) (Disbursement Imputter), HDFC Bank”*

Perusal of the aforesaid notice would show that the exact provision of law has not come forth in the notice, requiring the petitioners to join the investigation.

Learned State counsel on instructions from Investigating Officer, ASI Ravinder Kumar submits that at the time of issuance of notice dated 16.03.2022, bank officials/officers were not cooperating in the investigation and that is why, necessity arose to summon the petitioner No.2 being the CEO of HDFC Bank to join the investigation in the capacity of a witness. Learned State counsel on instructions further submits petitioner No.2 was sought to be summoned only in the capacity of witness and not an accused. Now with the passage of time, Investigating Officer has collected the material documents from the Bank and presence of petitioner No.2 is not required at this stage. Learned State counsel further submits that the investigation is still in progress and the same shall be conducted in accordance with law.

On the other hand, learned counsel for respondents No.5 and 6 submits that there is a specific allegation against petitioner No.2 to the effect that on his asking, case before DRT was filed by the Bank despite an enquiry conducted by the Bank itself, in which certain officers/officials were prima facie found to be at fault

Learned Senior counsel for the petitioner however objects to the aforesaid submissions.

At this stage, without meaning anything on merits of the case, I deem it appropriate to dispose of this writ petition as the

police does not require the presence of petitioner No.2 at this stage.

Disposed of.

10.08.2022	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No