

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

226 + 110

**CRM-M-36134-2018 (O&M)
Date of Decision: 19.12.2022**

Badlu Ram and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Surender Singh Hooda, Advocate,
for the petitioners
Mr. Karan Garg, AAG, Haryana
Mr. Pawan Singh, Advocate,
For respondent No.6

JAGMOHAN BANSAL, J. (Oral)

CRM No.49333 of 2022

Application for placing on record Replication along with Annexure P-18 to P-20 is allowed and Registry is directed to tag at appropriate place.

CRM-M-36134-2018

The petitioners through instant petition under Section 482 Cr.P.C. are seeking transfer of matter of extortion from petitioners of 5 cheques of Rs.8 Lacs each in favour of Shalini Singh, wife of Sunil Kumar, an IFS Officer.

Learned counsel for the petitioner, *inter alia*, contends that an FIR No.73 dated 15.02.2017 under Sections 406, 420, 467 and 471 IPC was registered at Police Station Sampla against the petitioner at the behest of respondent No.8-Promila. The matter has already been investigated qua this FIR and challan has already been presented. The charges also stand framed against the petitioner.

Learned counsel would submit that S.P., Rohtak, at the behest of Shalini who is wife of an IFS officer has extorted 5 cheques of Rs. 8 Lacs each from the petitioner. Nothing is due against petitioner still cheques of Rs.40 Lacs have been extorted from the petitioner. The petitioner was called in the office of S.P., Rohtak and afore-stated cheques were extorted. The petitioner had sold 2 Kanals land to Shalini on 11.06.2012 for a sum of Rs.4.25 Lacs. The police officials in connivance with Shalini compelled the petitioner to buy back aforesaid land for a sum of Rs.40 Lacs. As petitioner denied to purchase the aforesaid land, the police officials and Shalini extorted aforesaid cheques of Rs.40 Lacs. The police officials have misused their powers and matter needs to be investigated by an independent agency i.e. CBI or any other Central Government Agency. There are allegations against police officers, thus, as per judgment of Hon'ble Supreme Court in ***State of Punjab Versus Davinder Pal Singh Bhullar and Others, (2011) 14 SCC 770*** and ***Secretary, Minor Irrigation & Rural Engineering Services, U.P. and Others Versus Sahngoo Ram Arya and Another, (2002) 5 SCC 521***, the matter needs to be investigated by CBI.

Learned State counsel submits that respondent has constituted a Special Investigation Team to find out allegations of the petitioner and it has been found that there are bald allegations just to pressurize the authorities to cancel FIR No.73 dated 15.02.2017 which was registered against the petitioner at the behest of Promila.

Mr. Pawan Singh, learned counsel for respondent No.8-promila submits that he has no objection if matter is referred to CBI or any other independent agency.

I have scrutinized the record and heard the arguments of both sides.

It is conceded fact that Shalini has already filed complaint under Section 138 of the Negotiable Instruments Act, 1881, against the petitioner before the Competent Court. It is also further undisputed fact that Shalini has filed Civil Suit against the petitioner which is pending before the Civil Court.

The only allegation of the petitioner is that police authorities, at the behest of Shalini, had extorted a sum of Rs.40 Lacs and matter needs to be investigated by CBI. The matter has already been investigated by Special Investigation Team and matter qua cheques is pending before Civil Court as well as Criminal Court, thus, at this stage, it would not be in the fitness of things and interest of justice to refer the matter to CBI or an independent agency on the basis of allegation of the petitioner. There is no prima facie evidence warranting investigation by CBI.

It seems to be a civil dispute between the parties and Civil/Criminal Courts are seized of the matter and the petitioner is at liberty to raise all his grievances before the Trial Court. The petitioner can very well establish that there was no legally enforceable liability for which Shalini had obtained cheques from the petitioner. Before the

In case Civil Court as well as Criminal Courts come to a conclusion that there was no liability qua cheques in question, the petitioner would be at liberty to take appropriate legal action against Shalini and police officials.

In view of above, no further order is warranted.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.12.2022
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>