

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

206

CRWP-5781-2022

Date of decision: 16.06.2022

Sanjeev Garg @ Sanjeev Kumar Garg

... Petitioner

Vs.

Central Board of Investigation and others

... Respondents

CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO

Present:- Mr. I.S.Ratta, Advocate for the petitioner.

Mr. Sumeet Goel, Senior Advocate with
Mr. A.K.Ranolia, Advocate for respondent No.1-CBI.

Mr. Vishal Singh Chauhan, Advocate for respondent No.6-SBI.

M.S. RAMACHANDRA RAO, J. (ORAL)

Petitioner has filed this criminal writ petition stating that he is working as an Accountant and resident of Abohar, District Fazilka and he was doing the accounts of respondent No.5-company, against which a case has been registered by the CBI for alleged defalcation and misappropriation of bank funds of respondent No.6-Bank and that respondent No.4 who is Investigating Officer appointed by respondent No.1 has subjected the petitioner to torture on 31.03.2022 and 01.04.2022 in respect of which certain complaints had been made by the petitioner to NHRC and to DGP, Punjab. Petitioner has therefore sought the following reliefs against the respondents:-

a. Grant protection to the petitioner against the

vindictive action of respondent No.4 in issuing the notice dated 02.06.2022 under Section 41-A of Code of Criminal Procedure (Annexure P-11) in asking him to reappear before him on 06.06.2022 despite the fact that petitioner has already been questioned for two full days, his houses having been thoroughly searched;

b. Direct quashing and setting aside of notice dated 02.06.2022 under Section 41-A of Code of Criminal Procedure (Annexure P-11) in asking him to reappear before him on 06.06.2022 which is the outcome and result of personal vendetta on the part of respondent No.4 since petitioner had taken the courage to make complaints against him of causing him third degree torture.

c. Direct respondent No.4 as well as respondent No.1 to stop any kind of harassment to the petitioner under the garb of his further questioning.

d. Direct taking appropriate action against respondent No.4 for his causing to the petitioner third degree torture.”

Mr. Sumeet Goel, Senior Advocate appearing for respondent No.1-CBI, on instructions, states that respondent No.4 is no longer the Investigating Officer; that another person by name T. Vardhan, DSP has been appointed as Investigating Officer and that there would be fact finding inquiry into the allegations levelled by the petitioner against respondent No.4 as well by another DSP namely, Kuldeep Singh.

Having regard to the submissions, this criminal writ petition is

disposed of and the petitioner is directed to appear before the new Investigating Officer on a date to be communicated by him. All the claims of the petitioner against respondent No.4 made in this writ petition are left open to be decided, if need be, in a separate proceedings.

16.06.2022
pooja saini

(M.S. RAMACHANDRA RAO)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No