

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

CRM-M-50368-2022 (O&M)

Reserved on: 04.05.2023

Pronounced on: 17.05.2023

Ajay Sandhu

... Petitioner(s)

Versus

State of Haryana & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Ms. Neha Rana, Advocate
for the petitioner(s).

Mr. Rajat Gautam, Addl.A.G., Haryana.

ANOOP CHITKARA, J.

Seeking direction of this Court for expeditious investigation and taking appropriate action against the respondent-accused, the petitioner, who claims himself to be an aggrieved person, has come up before this Court under Section 482 CrPC.

2. This Court had directed the State to file its response and pursuant to that, Assistant Commissioner of Police, Panchkula has filed a detailed reply by way of affidavit dated 3.5.2023 in Court, which is taken on record. It would be relevant to reproduce the relevant paragraphs of the preliminary submission of the said reply, as under:-

“1. That the present petition is being file for directing the respondents to carry out the investigation expeditiously and for taking appropriate action against the accused.

2. That the present petition is not maintainable in the present shape and form. The petitioner has no cause of action or locus standi to file the present petition.

3. That the petitioner is creating a hindrance in the investigation of the present case by filing false and frivolous complaints and applications. The petitioner has earlier approached the higher officials of police to get the investigation conducted by State Crime Branch and in compliance of DGP, Haryana office memo no. 13406/Spl. Cell-1 dated 16.12.2021, office of ADGP/Crime(H), PKL vide memo no. 22318-23/CR-1, dated 23.12.2021 had directed office of DCP/PKL for handing over case file to

the I/O of State Crime Branch, Haryana. Thereafter, in the month of January, 2023, the complainant had again given a letter to the higher officials of police to transfer the investigation of the present case from State Crime Branch, Haryana to some other agency. Subsequently, the file of the present case has again been transferred to the District Police and now, the investigation is being conducted by the concerned IO of PS Sector-5, Panchkula.

4. That the investigating agency is conducting investigation in fair and impartial manner. The petitioner/complainant had inter-alia alleged that the accused persons had stolen the cheques of M/s Sandhu Security Services having a/c no. 79201020000204 and the same were encashed from Axis Bank and thereby has committed fraud and misappropriation with the petitioner/complainant. The aforementioned cheques were obtained from the bank and the same were sent to FSL Madhuban for the comparison of signatures along with the sample signatures of the petitioner/complainant. The report from the FSL has been received on 14.09.2022. The copy of the FSL report has been annexed herewith as **Annexure R-1.**

5. That after passing of order dated 16.11.2022, by the Hon'ble High Court, the investigation was being conducted by Sh. Surender Singh, Deputy Commissioner of Police, State Crime Branch. On 18.11.2022, the accused Ishwar Singh Nain son of Naffe Singh and Rohtash Dhillon son of Ranjit Singh Dhillon was again joined in the investigation. On 28.11.2022, Anil Kumar Nain son of Zile Singh were present in the police station and they were joined the investigation.

6. That on 06.12.2022, the petitioner Ajay Sandhu sent a whatsapp message on the mobile phone of Sh. Surender Singh, DCP, that he wants to get his case investigated by some other officer. On 13.12.2022, the file of the present case was sent to the perusal of the Higher Officials i.e. Superintendent of Police, State Crime Branch, Head Quarters, Panchkula.

7. That on 29.12.2022, the higher officials had given point wise directions for conducting further investigation. Information was sought from Axis Bank, Faridabad regarding some points as raised by the higher officials of the police and a letter was received from Axis Bank, which is in the file.

8. That on 06.01.2023, the petitioner was again called for 18. giving some information and he gave a statement that he does not want to get the investigation of his case conducted by State Crime Branch and in this regard, he had given at complaint to the Hon'ble CM, DGP Haryana and DGP, State Crime Branch, Panchkula. On 20.01.2023, as per the orders of the higher officials of the police, the investigation of the present case was transferred to PS Sector-5, Panchkula for conducting further investigation. The copy of the said order Memo No. 1202-06/CR-1 dated 20.01.2023 (received on 24.01.2023) has been annexed herewith as **Annexure R-2.**

9. That after investigation of the present case was transferred to P.S. Sector-5, Panchkula, the investigating agency has contacted the concerned officials of Axis Bank, Faridabad and asked them to furnish the list of their employees who were involved in the encashment of the cheques, alongwith their current place of posting. The list send by the bank officials was incomplete as it did not mention their mobile numbers, addresses and current place of posting. The bank were again

asked to send the complete list so that the said officials can be joined in the investigation.

10. That thereafter, the complainant had again approached the higher officials of the police to transfer the investigation to some other agency. Upon his request, the investigation of the case has been transferred to DSP, State Crime Branch, Rohtak vide Endst. No.6284-87/CR-1 dated 06.04.2023. The copy of the said order dated 06.04.2023 has been annexed herewith as Annexure R-3. Therefore, the complainant is himself creating hindrances in the investigating. The file will be handed over DSP, State Crime Branch, Rohtak immediately after filing the present.”

3. A perusal of the aforesaid response reveals that the petitioner is exploiting the provisions incorporated to get benefit in the investigation against the State access. It was at the request of the petitioner that the investigation was handed over to State Crime Branch and after some time, he got the investigation transferred to District Police. In fact, it appears that the petitioner has some other things in mind, may be by seeking transfer of investigation, he wants to take advantage of the same for some other purposes. The present petition is nothing but an abuse of the process of law. This Court was contemplating to burden the petitioner with costs, but finally, refrained from doing so. However, it is clarified that in case the petitioner files any application seeking transfer of investigation or such kind of other relief, State shall not take cognizance thereof. Furthermore, in case the petitioner comes up before this Court, seeking transfer of investigation, serious view shall be taken.

- 4. Accordingly, no ground is made out for interference.
- 5. The petition is dismissed.

(ANOOP CHITKARA)
JUDGE

May 17, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No