

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

119

2023:PHHC:146358

CRM-M-54815-2023

Date of decision: November 16th, 2023

Sumit Gupta

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.P. Singh, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for constitution of Special Investigation Team to investigate the allegations of representation given by petitioner in relation to CBI, FIR No.RC0052022A0017 dated 11.05.2022 under Sections 120-B, 323, 352, 365, 388 and 506 of the IPC registered at Police Station CBI, ACB, Chandigarh.

2. Learned counsel for the petitioner submits that the petitioner is an accused in FIR No.RC0052022A0017 dated 11.05.2022. After the registration of the aforementioned FIR against him, he stumbled upon some material and facts suggesting that complainant Abhishek Dogra may have committed a cognizable offence. Despite earnest efforts and attempts by the petitioner to apprise the authorities concerned about the cognizable offences committed by complainant Abhishek Dogra, no action was taken against him. Feeling aggrieved by the approach of the investigating agency, the petitioner then approached this Court by way of CRM-M-13697-2023 seeking directions to the official respondents to register an FIR against

Abhishek Dogra and others. This Court while disposing of the aforementioned petition, granted liberty to the petitioner to file a representation within a week before the authorities concerned, who in turn were directed by the Court to decide the same. It has further been submitted that even though the representation was duly made to the authorities concerned, however, they had failed to initiate any action against Abhishek Dogra and others and erroneously closed his complaint without any rhyme or reason. Learned counsel has vehemently asserted that in the facts and circumstances, the petitioner has a genuine suspicion that the investigating agency was trying to protect Abhishek Dogra, who was intentionally trying to harass the petitioner.

3. A prayer has, therefore, been made that a Special Investigating Team (SIT) be constituted to uncover the truth and ascertain the offences, which have been committed by Abhishek Dogra.

4. Notice of motion.

5. Ms. Shubhra Singh, Advocate, accepts notice on behalf of respondent No.2-CBI.

6. *Per contra*, learned counsel for the CBI while opposing the submissions made by the counsel opposite has submitted that the present petition is not maintainable as in FIR No.RC0052022A0017 dated 11.05.2022, investigation is complete and challan also stands presented, coupled with the fact that the petitioner being an accused, cannot ask for constitution of a SIT. It has been further submitted that as far as the representation submitted by the petitioner is concerned, it was looked into by the authorities concerned and finding no substance

in the same, it was rightly filed. Hence, he could not now approach this Court again for claiming the relief, which had already been granted to him.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Admittedly, petitioner had already approached this Court by way of CRM-M-13697-2023, wherein he had been granted the liberty of filing an appropriate representation, which was to be decided by the official respondents in accordance with law. The said liberty has already been availed of by the petitioner as per his own submissions as admittedly he did file a representation, which has been annexed as Annexure P-2. In case the petitioner is still aggrieved on account of the inaction by the respondents, there is nothing which would stop him from availing his alternative remedy under Cr.P.C. Furthermore, mere bald allegations of bias against the investigating agency cannot be a sufficient enough reason for constitution of a SIT.

9. No ground is thus, made out for issuance of directions as prayed for.

10. The instant petition, therefore, stands dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 16th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No