



CRWP-4869-2023(O&M)

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

Sr. No.235

**CRWP-4869-2023(O&M)
Reserved on 27.11.2024
Pronounced on : 09.12.2024**

Reshab Gosain and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. D.S. Sobti, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Vivek Singla, Advocate for respondent No.4.

Ms. Mehak, Advocate for
Mr. Kishore Bhardwaj, Advocate for respondent No.5.

KIRTI SINGH, J.

This petition under Article 226/227 of the Constitution of India has been filed for issuance of writ in the nature of mandamus for directing official respondents No.1 and 2 to protect the life, liberty and property of the petitioners at the hands of respondents No.4 to 6.

2. Learned counsel for the petitioners submits that the petitioners are being harassed by the official respondents who are misusing their powers at the instance of respondents No.5 and 6. As per the allegations the petitioners induced people from the State of Punjab to invest in a crypto currency/pyramid schemes and duped them for a sum of Rs.2.5 crores with the assistance of co-accused. It has been argued that the petitioners are also

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one of the victims of this offence as the petitioners had invested their money as well as the money they have obtained as loan from third persons at the instance of one Pankaj Saho and the petitioners are even trying to repay the loan they had obtained.

3. Learned counsel for the petitioners further contends that respondents No.5 and 6 filed a complaint before SSP, Vigilance Bureau, Ropar and an enquiry was marked to respondent No.4-DSP Vigilance Bureau. At the instance of respondent No.6 the petitioners were illegally picked up by police officials of District Mohali, SAS Nagar on 03.05.2023 from Food Court at Oxford Street, Zirakpur at 5:00 P.M. and were released with a condition to compromise the matter with respondents No.5 and 6 and to report back on 04.05.2023 with an amount of Rs.25 lakhs, failing which petitioners were threatened to be taken in custody in some false case. On 09.05.2023, when the petitioners went to the Police Station, they were assaulted by respondent No.6 and other police officials. Thereupon, they got themselves examined at Dr. Ambedkar State Institute of Medical Science, Sector 56, SAS Nagar, Mohali, for medical examination.

4. Learned counsel for the petitioners further submits that respondent No.4, without any cause of action qua the petitioners, had illegally detained the mobile phones of the petitioners from 03.05.2023 to 06.05.2023 and the allegations even if presumed to be true are beyond the jurisdiction of Punjab police, much less vigilance department as the petitioners were residents of Chandigarh.



5. Learned counsel for the petitioners submits that though in regard to the illegal detention, the petitioners have not filed any criminal complaint before any Court of law yet they have submitted one representation dated 11.05.2023 (Annexure P-5) to the office of DGP, Punjab, which was received by the office of DGP, Punjab on 12.05.2023. In the said representation, petitioners had prayed for protection of their lives and liberty but no action is being taken, thereupon.

6. Learned State counsel has placed reliance upon the reply filed by Senior Superintendent of Police, Vigilance Bureau, Punjab and submits that Vigilance Bureau is an autonomous body and is not under the control and supervision of the Department of Home, Punjab, whereas its independent operational head i.e. Special D.G.P. (Vigilance) with administrative head being a Chief Secretary, Vigilance, Government of Punjab. A complaint bearing No.1403/VB, dated 25.04.2023 was submitted to SSP Vigilance by Respondent No.5 wherein there are specific allegations that the petitioners have been continuing their illegal activities of investments in various Crypto currency/Pyramid Schemes. There are allegations of corruption/bribing the local Police in the said complaint which makes it mandatory for the Vigilance Bureau to enquire into the allegations of corruption. Thus the enquiry into the said Complaint/allegations is well within the jurisdiction of Vigilance Bureau.

7. He further submits that with regard to the allegations of having subjected the petitioners to third degree torture on 03.05.2023 followed by harassment on 04.05.2023 and 06.05.2023, there is not even an iota of

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into by the D.S.P. City-II, S.A.S. Nagar and vide Enquiry Report dated 13.09.2023 it was concluded that the allegations levelled could not be proved. Moreover, the petitioners have been medico-legally examined from Civil Hospital, Phase-6, S.A.S. Nagar (Mohali) after alleged torturing on 09.05.2023. However, even after having been subjected to alleged third degree torture on 03.05.2023, the petitioners did not get themselves examined at Government hospital.

8. Learned counsel appearing for respondent No.4 while relying upon the reply dated 20.03.2024 submits that the petitioners are trying to mislead this Court into believing their faux story of being tortured without any iota of evidence. The medical record of the petitioners would show that they went to the hospital to get their photographs clicked and when doctors wanted to further examine the alleged injuries, the petitioners left the hospital without getting themselves examined. The wife of one of the petitioner gave in writing that they want to be relieved from the hospital at their own risk.

9. He further submits that the petitioners filed a complaint before the DGP (Annexure P-5) seeking protection of their lives and liberty and the said complaint was marked to the respondent No.3. During the course of inquiry the petitioners were called, however, they did not join the inquiry but sent their reply through registered post. The said inquiry was marked to Sh. Harsimran Singh Bal, PPS, DSP City-II, by Respondent No. 3, finding no truth in the allegation levelled by the petitioners the said complaint was concluded vide report dated 13.09.2023 which has not been challenged till

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date. This reflect that petitioners are merely filing complaint without any evidence, thus, this petition deserves to be dismissed with exemplary costs.

10. Learned counsel appearing on behalf of respondent No.5 has also vehemently opposed the prayer made in the petition. In support of her arguments she placed reliance upon the reply dated 01.05.2024 and submits that the petitioners are the masterminds behind the illicit creation and promotion of '**RICAVVERSE COIN (RVC)**', a crypto currency scheme designed to entice the public, including the respondent No.5. They have employed various deceptive tactics, including offering enticing investment opportunities, as evidenced by the screen shots of whatsapp chat of the whatsapp group named 'RVC Family' created by the petitioners.

11. Learned counsel has further argued that the petitioner No.2 acknowledged in the meeting held with the respondent No.5 that they have already solicited investments of about Rs.2.5 Crores from various individuals in Punjab and adjoining areas in the name of 'RVC Coin Crypto Currency', which is not registered on any crypto exchange and the meeting was recorded by respondent No.5 using his mobile and the same has been shared with the concerned investigating officer.

12. I have heard rival submissions made by the learned counsel for the parties and have gone through the record available on the file.

13. A perusal of the status report reveals that there are serious allegations against the petitioners and multiple inquiries/investigation are pending against the present petitioners which involves allegations of bribing



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the police officials to hamper the investigation of the matter which is being investigated by the concerned vigilance department as well.

14. The allegations of torture and harassment levelled by the petitioners have been looked into by the police and after considering the material produced, a report dated 13.09.2023 was also filed wherein it was concluded that the petitioners have failed to produce any evidence in support of their allegations and the petitioners despite visiting the hospital did not get themselves medico-legally examined and got themselves discharged after wife of the petitioner requested for their discharge and also gave no objection to their discharge in writing.

15. Keeping in view the aforesaid facts and circumstances enumerated above, it *prima facie* appears that the petitioners have filed this petition to deter the police officials concerned from performing their duties and to conduct a fair and impartial investigation in garb of an order by this Court. Accordingly, this Court is not inclined to pass any direction against the official respondents.

16. The petition is dismissed.

17. Pending application(s), if any, shall also be disposed of accordingly.

(KIRTI SINGH)
JUDGE

09.12.2024
Kapil

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No