



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-36091-2024

Date of Decision : **September 06, 2024**

VIVEK BHAGAT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amarsh Dudeja, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.AG, Haryana.

Mr. Aman Arora, Advocate
for respondent No.2-complainant.

KULDEEP TIWARI, J. (Oral)

1. This is the second petition filed under Section 439 Cr.P.C. for the grant of regular bail in case FIR No.360 dated 23.7.2023, Under Sections 420, 409, 120-B IPC, registered at Police Station Baldev Nagar, Ambala.

2. After arguing for some time, the learned counsel for the petitioner seeks permission to withdraw the instant petition.

3. Permission granted.

4. **Dismissed** as withdrawn.

5. Learned counsel for the respondent No.2-complainant submits that infact in this case a huge amount of Rs.38,52,59,288/-, has been embezzled and considering the laxity approach of the investigating agency,

they were propelled to file CRM-M-64779-2023 for issuance of mandamus upon the official respondents to conduct fair and impartial investigation, which is pending consideration for 4.12.2024.

6. This Court vide order dated 5.9.2024, passed the following order:-

“Reply by way of affidavit dated 31.08.2024, of Sh. Vijay Kumar, HPS, Deputy Superintendent of Police, (Hqs) Ambala, District Ambala, has been filed on behalf of respondent-State. The same is taken on record. Copy of the same has been supplied to the opposite counsel.

Mr. Aman Arora, Advocate appears on behalf of respondent No.2, and files his duly executed vakalatnama, in his favour, which is taken on record.

The Superintendent of Police, Ambala, is directed to cause his appearance, either through virtual platform or physically before this Court, and furthermore, the Investigating Officer concerned, is also directed to be present in the Court on the next date of hearing.

List on 06.09.2024.

To be shown in the urgent list.”

7. In deference issued by this Court, Mr. Surinder Singh Bhorla, Superintendent of Police, Ambala has caused appearance through virtual platform. He fairly submits that after examining the investigation file, he is not satisfied in the way the investigation is being conducted by the present SIT. He informs this Court that he is in the process of constituting a new SIT and sought some time to conclude the investigation through the newly appointed SIT.



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- 8. The request of the Superintendent of Police concerned is accepted.
- 9. Adjourned to 4.12.2024 to await the outcome of the investigation, which is to be conducted by the newly appointed SIT.
- 10. Status report with regard to the investigation be also filed on or before the next date of hearing.
- 11. To be heard alongwith CRM-M-64779-2023.
- 12. The personal appearance of Superintendent of Police concerned as well as the IO is dispensed with.

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No