

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

206

**CWP-8891-2017 (O&M)
Date of decision: 28.02.2024**

Bakshinder Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Mohinder Kumar, Advocate for the petitioners.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for issuance of directions to the respondents to constitute Special Investigation Team (SIT) comprising of officers of the Department of Income Tax, Ministry of Corporate Affairs, Enforcement Directorate, Revenue Department, Punjab, PUDA etc. to investigate the alleged scam of more than Rs.400 crores in which thousands of investors including the petitioners have been cheated but the investigation was being mis-handled.

2. An affidavit dated 07/11.07.2023 of Mr. Gaurav Yadav, IPS, Director General of Police, Punjab, has already been filed. The relevant part of the same is extracted as under:-

“xxx

3. *That it is humbly submitted that inadvertently, complete facts regarding action taken in the matter could not be*

brought to the notice of this Hon'ble Court on the previous date of hearing i.e. on 22.02.2023. It is humbly submitted that necessary action has already been taken on the complaint made by Justice Ajit Singh Bains (Retd.), Chairman, Punjab Human Rights Organization (PHRO).

4. That report regarding the matter has been obtained from Commissioner of Police, Amritsar. A detailed report alongwith various documents related to the matter has been sent by the Commissioner of Police, Amritsar.

That the matter pertains to the following two FIRS:

- (i) Case FIR No. 139 dated 10.07.2016 under sections 406, 417, 419, 420, 465, 467, 468, 469, 471, 120-B of IPC, registered at Police Station Chheharta, Amritsar.*
- (ii) Case FIR No. 277 dated 11.11.2016 under sections 420, 467, 468, 471, 120-B of IPC, registered at Police Station Chheharta, Amritsar.*

Detailed status regarding the aforesaid FIRs is mentioned in the report of Commissioner of Police, Amritsar. A copy of the aforesaid report of Commissioner of Police, Amritsar is annexed alongwith and marked as ANNEXURE R-1.

6. *That it is submitted that regarding the aforesaid cases, a representation addressed to the Hon'ble Chief Minister, Punjab was sent by Justice Ajit Singh Bains (Retd.) Chairman, Punjab Human Rights Organization (PHRO), a copy of which was also received in the office of DGP, Punjab on email. This representation was registered at No. 1411/GC-5/DGP/22 dated 04.03.2022. In the aforesaid representation, it was, inter-alia, mentioned as under:*

"It is therefore requested that Commissioner of Police, Amritsar be directed to share the data/evidence/information provided by the Punjab Human Rights Organisation relating to Rs. 400 Crore scam to the Enforcement Directorate (ED) regarding which cases/FIRs 1.e. (1) FIR No. 0139 dated 10.07.2016, and (2) FIR No. 277 dated 11.11.2016 were registered at Police Station Chherretta, Commissionerate Amritsar, Amritsar City, Punjab."

On 04.03.2022, the aforesaid email alongwith the aforesaid representation made by Justice Ajit Singh Bains (Retd.) Chairman, Punjab Human Rights Organization (PHRO) was forwarded to Commissioner of Police, Amritsar through email. A copy of the aforesaid email was also forwarded to PHRO on email address phro chd@yahoo.co.in.

7. *That the Commissioner of Police, Amritsar reported that*

report regarding the aforesaid representation of PHRO was obtained from Joint Commissioner of Police (JCP), Amritsar. The JCP, Amritsar submitted a detailed report vide No. 53-5AP dated 08.04.2022, in which recommendation was made that copies of both the aforesaid FIRs and Police Reports under section 173(2) and 173(8) of Criminal Procedure Code could be sent to Enforcement Directorate and therefore ACP (West), Amritsar may be directed to ensure necessary action to send the aforesaid documents to Enforcement Directorate. The Commissioner of Police, Amritsar marked the said report of JCP, Amritsar to Deputy DA (Legal), Amritsar for comments/opinion. The Deputy DA (Legal), Amritsar opined that directions may be issued to ACP (West), Amritsar as per the report of JCP, Amritsar. The aforesaid opinion was approved by the Commissioner of Police, Amritsar.

8. That in this regard, a letter No. 884-DGP dated 12.05.2022 was received from Commissioner of Police, Amritsar in the office of AIG/Staff Officer to DGP, Punjab whereby it was informed that legal opinion has been obtained from Deputy DA (Legal) Amritsar. A copy of the aforesaid letter was endorsed to ACP (West), Amritsar, vide No. 885-DGP dated 12.05.2022, with direction to ensure necessary action as per report of JCP, Amritsar and opinion of Deputy DA (Legal) Amritsar through proper channel and as per law.

9. *That the Commissioner of Police, Amritsar has further informed that the aforesaid letter No. 884-885-DGP dated 12.05.2022 was forwarded to SHO Police Station Chheharta for taking necessary action.*

The SHO PS Chheharta, Amritsar deputed ASI Sarwan Singh for delivery of the aforesaid letter alongwith relevant documents at the office of Enforcement Directorate, Chandigarh. ASI Sarwan Singh delivered the aforesaid documents (total 81 pages) in the office of Directorate of Enforcement, Government of India, UT Government Press Building, First Floor, Sector 18, Chandigarh under proper receipt dated 20.07.2022. A translated copy of the aforesaid receipt is annexed alongwith and marked as ANNEXURE R-2. A GD entry No. 04 dated 20.07.2022 and GD No. 14 dated 21.07.2022 was recorded at Police Station Chheharta, Amritsar in this regard. A copy of the aforesaid receipt bearing seal of Directorate of Enforcement has been sent to this office by the Commissioner of Police, Amritsar.

10. *That a follow-up thereof was made by Incharge, Economic Offences Wing, Amritsar by issuing letter No. 58-5E/EOW/ 02.03.2023 to confirm present status of the action taken regarding the aforesaid letter No. 884-DGP dated 12.05.2022 whereby documents were submitted on 20.07.2022*

in the office of Directorate of Enforcement, Chandigarh. The letter of Incharge EO Wing, Amritsar was received in the office of Directorate of Enforcement, Chandigarh on 02.03.2023 under proper receipt. The concerned official of EO Wing, Amritsar was orally informed that the relevant documents have been further marked to their sub-office at Jalandhar for necessary action and written information shall be sent to EO Wing, Amritsar through email, which is awaited. A translated copy of the aforesaid letter is annexed alongwith and marked as Annexure P-3.”

3. Learned counsel for the petitioner contends that in view of the averments contained in the Para 10 of the above said affidavit, whereby the respondents have already forwarded the documents to the Directorate of Enforcement, Chandigarh under proper receipt, he has no subsisting grievance.

4. In view of the above, no further direction is required to be issued to the respondent-State of Punjab. The present petition is accordingly **disposed of as having been rendered infructuous** insofar as the prayer made by the petitioner in the present petition is concerned.

5. The petitioner shall be at liberty to pursue his case with the Directorate of Enforcement, Chandigarh.

(VINOD S. BHARDWAJ)
JUDGE

28.02.2024

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No