



CRM-M No.64454 of 2023

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

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**CRM-M No.64454 of 2023
Date of Decision : 23.5.2024**

Anurag Jain**.....Petitioner****Versus****State of Haryana and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL****Present:** Mr. Sanjeev Patiyal, Advocate, for the petitioner

Mr. B.S. Virk, Senior DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

Status report by way of affidavit of Sibhash Kabiraj, IPS, Commissioner of Police, Panchkula/respondent no.4 is taken on record.

2. The petition has been filed under Section 482 Cr.P.C. seeking transfer of investigation of case FIR No.8 dated 11.1.2018, under Sections 120-B, 406, 420, 452, 465, 467, 471, 504 and 506 IPC, registered at Police Station Mansa Devi Complex, District Panchkula, from Panchkula Police to any other independent investigating agency or some senior police official as Panchkula police, particularly the investigating officer of the case in collusion with the accused persons is bent upon to save them from the punishment despite the accused persons have committed fraud with the petitioner of about ₹2 crores and on that account many other criminal cases/complaints are pending against them.



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3. This Court while issuing notice of motion, directed respondent no.4-Commissioner of Police, Panchkula, to file a fresh status report regarding the manner of conducting of investigation proceedings and to explain inordinate delay since the registration of the FIR on 11.1.2018.

4. In reply to that, today a status report by way of affidavit of Commissioner of Police, Panchkula/respondent no.4, dated 15.5.2024 came to be filed before this Court, wherein in paragraph no.4 the following declaration has been made:

4. That the Deputy Commissioner of Police, Panchkula has been directed vide this office order No.9100-9101/Legal Cell dated 09.05.2024 (Annexure R-1) and it was observed that the following actions are required to be taken immediately :-

(i) For the lapses during the investigation of this case including preparation/submissions of cancellation report, the Joint Departmental Enquiry shall be initiated against the erring police personnel through Gazetted Officer with the directions to submit his findings in a time bound manner. Also the final decision of Departmental Enquiry shall be concluded within three months from the date of initiating of departmental enquiry.

(ii) Necessary permission from the Hon'ble Trial Court for further/re-investigation of this case be obtained. Senior police officer not below the rank of ACP shall be deputed to re-investigate the case thoroughly, who shall be responsible to conclude the investigation as soon as possible in accordance with law and by holding day to day proceedings.

(iii) The complainant/petitioner had levelled allegations against the private respondent No.8 (ICICI Bank Officer) and others for defrauding him to the tune of crores. It has been revealed that the investigation was not conducted in



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a fair and impartial manner and which requires to be investigated thoroughly by Senior Police Officer.

(iv) During investigation, it has been revealed that the mother of the present petitioner namely Smt. Anita Jain had drawn few amount through self cheques. Smt. Anita Jain has put signatures of herself behind the cheques, which were verified by the Bank Officials. Hence, signatures of Smt. Anita Jain are required to be analyzed through the FSL, which is also subject of further investigation. DCP/Panchkula has also been directed to coordinate with FSL so that the case is processed at top priority at FSL.

5. It is crystal clear from the perusal of the same that re-investigation of the matter has now been ordered, and facts which could not be taken into account that time and after investigation cancellation report was filed, especially certain verifications from the bank officials including the signatures on the back-side of the over-leaf on the cheques which needs to be analysed by FSL.

6. Learned counsel for the petitioner at this stage is satisfied with the aforesaid stand taken by the respondents and do not wish to press the instant petition and prays to withdraw the same in view of the aforesaid developments.

7. Prayer is accepted.

8. Dismissed as withdrawn.

(SANDEEP MOUDGIL)
JUDGE

23.5.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No