

2025:PHHC:079793



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

133

CRM-M-34831-2025 (O&M)
Date of decision: 07.07.2025

Shah Jaykumar Kalpeshkumar **...Petitioner**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Himanshu Bansal, Advocate
for the petitioner. (Through VC)

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking direction to the official respondents to conduct free and fair investigation in FIR No. 326 dated 03.11.2024, registered under Section 318(3) of Bharatiya Nyaya Sanhita, 2023 at Police Station Cyber Cell, Gurugram.
2. Learend counsel for the petitioner has submitted that the petitioner is an employee of AU Small Finance Bank, Chandkheda Branch, Ahmedabad, who is presently under suspension. He was performing his official duties under the control of the Branch Manager and had opened some bank account while following the proper procedure. The aforesaid FIR came to be registered on 03.11.2024 with regard to an alleged cyber and financial fraud case. The Investigating Officer ASI Sajjan Singh along with some other police officials had visited the branch premises in March, 2025 and May, 2025. Due cooperation was extended to him during the course of investigation. It is further submitted that subsequently, a notice under Sections 94/179 of BNSS was issued to the Branch Manager asking him to produce the petitioner but no such notice was

2025:PHHC:079793



ever issued to him. In fact, the accounts, mentioned in the said notice, were not the ones which were opened by him. On a communication made to the Investigating Officer, the petitioner was assured that a formal notice would be issued to him. However, no such notice was issued. The petitioner is neither a beneficiary of any alleged cyber fraud nor has been arraigned as accused in the aforesaid FIR. However, still, the Bank, without conducting any inquiry has suspended him.

- 3. Notice of motion.
- 4. Mr. Apoorv Garg, Addl. A.G., Haryana, who has advance notice of the petition and is ready to argue the matter, has submitted that no coercive action has been taken against the petitioner. Rather, he has simply been asked to appear before the Investigating Officer in connection with the aforesaid FIR. Proper investigation while following the law is being conducted in the matter. Hence, it is urged that the petition is liable to be dismissed.
- 5. After hearing learned counsel for the parties and considering the fact that the petitioner has not been arraigned as an accused in the aforementioned FIR and he has been called upon to appear before the Investigating Officer in connection with the investigation being carried out, the present petition is disposed of with a direction to the official respondents that in case the presence of the petitioner is required before the Investigating Officer in this case, he shall be issued a formal notice under Sections 94/179 of BNSS in advance.

07.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No