IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.5391 of 2018 (O&M)
Reserved on: 08.04.2026
Pronounced on: 16.04.2026
Uploaded on: 18.04.2026

Whether only operative part of the judgment is Pronounced or the full judgment is pronounced: operative part/full judgment

Ravinder Kumar Malik

...Petitioner

Versus

State of Haryana and others

...Respondents

***CORAM*: HON'BLE MS. JUSTICE MANDEEP PANNU**

Argued by:- Mr. Parminder Singh, Advocate and
Mr. Sukhdeep Singh, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

Mr. Bhisham Kumar, Advocate and
Mr. Karan Singh Sura, Advocate
for respondents No.2, 3 and 6.

Mr. Deepender Singh, Sr. Advocate assisted by
Mr. Gaurav Bakshi, Advocate and
Mr. Nipun Gupta, Advocate
for respondents No.4 and 5.

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MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 17.01.2018 (Annexure P-11), whereby two applications, one under Section 173(8) Cr.P.C. for further investigation and the other under Section 311-A Cr.P.C. read with Section 73 of the Indian Evidence Act, in FIR No.545 dated 20.10.2009 registered at Police Station

Faridabad Central, under Sections 409, 420, 467, 468, 471 and 120-B IPC, seeking directions to the private respondents to give their specimen handwriting in the shape of paragraph consisting of all alphabets to prove the factum of forgery of 114 cheques/vouchers and consequent misappropriation of government funds, have been dismissed.

2. It is the case of the petitioner/complainant that he was posted as Executive Engineer in HUDA Division No. 4, Faridabad, and upon noticing irregularities, he came across a large-scale fraud, involving issuance of fake vouchers and forged cheques during the period August–September 2009, whereby an amount of approximately Rs.1,18,66,441/- was siphoned off from government funds. It is alleged that the said fraud was committed in connivance with private accused as well as bank officials of Union Bank of India, who facilitated encashment of cheques not bearing the genuine signatures of the complainant. The petitioner claims to have acted as a whistleblower by getting the FIR registered and initiating departmental action. It is further averred that during the course of trial, material evidence surfaced indicating the involvement of certain bank officials, namely J.P. Aggarwal, M.M. Mehra, I.D. Sharma and Ms. Vinod Kumari, who had allegedly conspired with the accused persons and cleared forged cheques in violation of RBI guidelines. It is the specific stand of the petitioner that despite availability of incriminating material, including handwriting expert report and documentary evidence, the investigating agency failed to properly investigate the role of the said officials. Accordingly, the petitioner moved an application under Section 173(8) Cr.P.C. seeking further investigation by an independent agency.

Simultaneously, another application was moved by the petitioner/ complainant under Section 311-A Cr.P.C. read with Section 73 of the Indian Evidence Act seeking directions to the accused persons to furnish their specimen signatures/handwriting in Court for the purpose of comparison with the admitted signatures of the complainant. It was averred that upon scrutiny of the challan and the judicial record, the petitioner had come to know that the accused persons, namely Jagbir Dahiya, Brij Bhushan, Shyam Singh, R.P. Singla, Raj Kumar Singla, Ranbir and Karambir Singh, were directly involved in the commission of the offence, however, the investigating agency failed to obtain their specimen signatures to establish that the accused had forged the signatures of the complainant, namely Ravinder Kumar Malik, on cheque books, sanction orders and other documents. It was further contended that the said forged documents were used as genuine for committing offences of cheating and forgery and that the truth could effectively be unearthed only by directing the accused to give their specimen signatures in English and Hindi, with pen and pencil, and by sending the same to FSL, Madhuban for expert opinion. It was thus prayed that such directions be issued in the interest of justice for proper adjudication of the case.

3. Both the aforesaid applications were opposed by learned counsel for the accused persons, who contended that the applications were belated, vague and moved only with an intent to delay the trial. It was argued that the FIR in question had been registered way back in the year 2009 and the trial had been pending for a considerable period of time, and no such plea regarding defective or incomplete investigation had been

raised earlier. It was further submitted that there were no allegations against the bank officials in the initial complaint on the basis of which the FIR had been registered and the present attempt to rope them in was an afterthought. With regard to the application seeking specimen signatures, it was contended that the same was misconceived, as no specific details had been furnished as to which signatures or writings were to be compared and what inference was sought to be drawn therefrom.

4. Vide the impugned order, learned Judicial Magistrate First Class, Faridabad dismissed both the applications. While dealing with the application under Section 173(8) Cr.P.C., it was held that although the Court has the power to direct further investigation, such power is to be exercised only when there exists sufficient justification. It was observed that the FIR had been registered on the complaint of the petitioner himself alleging embezzlement against certain contractors and HUDA officials, and there was no mention of involvement of bank officials in the original complaint. Learned Magistrate further noted that one of the proposed accused had already been examined as a prosecution witness and that the present attempt to introduce new accused persons at a belated stage appeared to be an afterthought, which would adversely affect the right of the accused to a speedy trial. It was also observed that for several years, no grievance regarding faulty investigation had been raised and, therefore, no ground was made out for directing further investigation.

5. While dismissing the application under Section 311-A Cr.P.C. read with Section 73 of the Evidence Act, learned Magistrate held that the application was vague and lacked necessary particulars. It was observed

that the complainant had failed to specify the exact writings or signatures which were required to be compared and the purpose thereof. The Court further held that comparison of admitted signatures of the accused with the standard signatures of the complainant would not yield any meaningful result and the prayer made was beyond comprehension. Accordingly, both the applications were dismissed being devoid of merit.

6. It is contended on behalf of the petitioner that he, while posted as Executive Engineer in HUDA Division No.4, Faridabad, unearthed a large-scale scam pertaining to fraudulent withdrawal of government funds on the basis of forged vouchers, cheques and sanction orders. It is submitted that 114 vouchers were found to be forged and the signatures of the petitioner were fabricated, which fact also stands corroborated from the FSL report. Learned counsel submits that despite such material, the investigation conducted by the police was perfunctory and deliberately slow so as to shield the real culprits, particularly the bank officials who facilitated encashment of forged cheques. It is further contended that the investigating agency failed to collect crucial documentary evidence and did not take specimen signatures of the accused persons for proper comparison, thereby leaving the investigation incomplete. It is argued that the role of certain accused persons, including bank officials, has not been properly investigated and the charge-sheet has been filed in a manner to give undue benefit to the accused. It is further submitted that the petitioner had moved applications under Section 173(8) Cr.P.C. for further investigation and under Section 311-A Cr.P.C. read with Section 73 of the Indian Evidence Act for obtaining specimen signatures of the accused persons and sending

the same for expert opinion, however, learned trial Court has illegally dismissed both the applications. It is contended that the impugned order suffers from patent illegality and has resulted in miscarriage of justice, as the truth of the matter cannot be unearthed without proper investigation and scientific comparison of signatures. Prayer has, thus, been made for setting aside the impugned order and for allowing the aforesaid applications.

7. Per contra, learned counsel appearing on behalf of the respondents/accused have opposed the petition and submit that the present petition is nothing but an attempt to prolong the trial which has been pending for a considerable period of time. It is argued that the FIR in question was registered in the year 2009 and after completion of investigation, report under Section 173 Cr.P.C. has already been filed and the trial is at an advanced stage. It is further contended that no grievance regarding faulty investigation was raised by the petitioner at any earlier stage and the present applications have been filed after an inordinate delay of several years. It is submitted that the allegations now sought to be raised against additional persons, particularly bank officials, do not find mention in the original complaint and are clearly an afterthought. Learned counsel further argue that one of the proposed accused has already been examined as a prosecution witness and permitting further investigation at this stage would seriously prejudice the rights of the accused and defeat their right to speedy trial. With regard to the application under Section 311-A Cr.P.C., it is contended that the same is vague and devoid of particulars, as neither the specific documents nor the purpose of comparison has been clearly spelt out. It is thus submitted that both the applications were rightly dismissed by

learned trial Court and the present petition deserves to be dismissed.

8. After hearing learned counsel for the parties and perusing the record, this Court is of the considered view that no interference is warranted in the impugned order.

9. It is well settled that though the Court has the power to direct further investigation under Section 173(8) Cr.P.C., such power is to be exercised sparingly and only in cases where it is shown that the investigation conducted earlier was unfair, tainted or materially defective, leading to miscarriage of justice. The said power cannot be invoked merely on the basis of conjectures or to fill up lacunae in the prosecution case.

10. In the present case, the FIR was registered in the year 2009 on the basis of the complaint made by the petitioner himself. A perusal of the original complaint would show that the allegations were primarily directed against certain contractors and officials of the HUDA department and there was no specific allegation against the bank officials. The investigation was carried out and culminated in filing of the final report. Significantly, for a considerable period of time, no grievance regarding the manner of investigation was raised by the petitioner. The present application seeking further investigation has been filed after a long lapse of time, when the trial has already progressed and even prosecution evidence has been partly recorded.

11. This Court finds merit in the observation of learned trial Court that the attempt to introduce new accused persons at this belated stage appears to be an afterthought. Permitting further investigation in such circumstances would not only derail the ongoing trial but would also

seriously prejudice the accused persons who have been facing trial for several years. The right to speedy trial is a valuable constitutional right, and the same cannot be defeated by allowing repeated and belated attempts to reopen the investigation in the absence of any compelling reasons.

12. Moreover, no cogent material has been brought on record to demonstrate that the investigation conducted earlier was so defective or unfair so as to necessitate further investigation. The mere allegation that certain aspects were not investigated in the manner desired by the petitioner is not sufficient to invoke the power under Section 173(8) Cr.P.C. The law does not permit roving and fishing inquiries at the instance of a complainant, particularly when the trial has already reached an advanced stage.

13. Similarly, with regard to the application under Section 311-A Cr.P.C. read with Section 73 of the Indian Evidence Act, this Court finds that the same is wholly vague and lacks material particulars. The petitioner has failed to specify as to which particular documents or signatures are required to be compared and what is the exact purpose sought to be achieved. The prayer for obtaining specimen signatures of the accused in a general and omnibus manner, without identifying the disputed documents, cannot be permitted. Learned trial Court has rightly observed that comparison of admitted signatures of the accused with the standard signatures of the complainant would not yield any meaningful or legally relevant result.

14. It is further to be noted that the provisions of Section 311-A Cr.P.C. are to be invoked where such direction is necessary for the just decision of the case. In the absence of any clear foundation or necessity being established, the said provision cannot be used as a tool to embark upon

a speculative exercise. Allowing such an application at this stage would again result in delay of the trial without any corresponding benefit to the cause of justice.

15. In view of the aforesaid discussion, this Court is satisfied that learned trial Court has passed a well-reasoned order after due consideration of the material on record. No illegality, perversity or jurisdictional error has been pointed out which would warrant interference by this Court in exercise of its inherent jurisdiction. Consequently, the present petition being devoid of merit is hereby dismissed.

16. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

16.04.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No