

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-18645 of 2014

.....

Date of decision:16.1.2015

Rohtash

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Randhir Singh Redhu, Advocate for the petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr. S.S. Kharb, Advocate for respondent No.4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. seeking directions to respondents No.2 and 3 to take stern/strict action against the accused-respondents No.4 and 5 named in case FIR No. 348 dated 20.12.2013 registered for the offences under Sections 409, 420, 467, 468, 471 and 34 IPC at Police Station Sadar Narwana, District Jind and to present the report under Section 173 Cr.P.C. without any delay because the local Police in connivance with the accused persons, who are having the blessings of ruling party in the State are sitting over the matter unnecessarily.

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Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. S.S. Kharb, learned Advocate has appeared on behalf of respondent No.4 and contested this petition, but no reply has been filed by respondent No.4.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State as well as learned counsel for respondent No.4 and have gone through the record.

From the record, I find that first of all, it is clear that the FIR has already been registered and the investigation is still going on. Challan has not been presented so far. It is settled law that the Court cannot interfere in the investigation. It is the prerogative of the investigating agency to collect evidence during the investigation. As the Court cannot interfere in the investigation and can not direct the Investigating Officer to do the investigation in a specific way, therefore, no direction can be given to take action against accused-respondents No.4 and 5. It is for the Investigating Officer to collect evidence and if any evidence connecting the respondents with the crime is collected, then the Investigating Officer can take appropriate action, but no direction can be given which will amount to interference in the investigation and to tell the investigating officer to do the investigation in a specific way, which is not permissible.

As regards the fact that the FIR is of 20.12.2013 and the

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investigation is still going on and the report under Section 173 Cr.P.C. has not been filed, therefore, the official respondents are directed to expedite the investigation.

With this direction, no further action is required in this petition and the same is disposed of accordingly.

January 16, 2015.

(Inderjit Singh)
Judge

hsp