

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M 28800 of 2015

Date of Decision: August 27, 2015

Vipin Kumar and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Sourabh Goel, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. challenging the order annexure P-3 vide which application filed by the prosecution for re-investigation after presentation of challan has been disposed of by permitting the prosecution agency to further investigate the matter as per provisions of Section 173 (8) Cr.P.C.

Learned counsel for the petitioner has vehemently contended that in the garb of the impugned order, the prosecution agency wants to fill in the lacunae in the investigation and cause serious prejudice to the petitioners.

I have heard learned counsel for the petitioners and I am of the opinion that the prayer of the investigating agency for re-investigation has been allowed only for further investigation implying thereby that the further investigation would be permitted in addition to the investigation already conducted and that the said investigation will not be in the nature of re-investigation superseding the earlier investigation. The apprehension of the petitioners at this stage is premature.

The scope of interference in the exercise of inherent jurisdiction in the investigation or further investigation is meager only to the extent of rectifying the statutory wrongs. It is not within the competence of this Court to guide a manner in which the investigation is to be conducted.

Counsel for the petitioners in view of said circumstances seeks permission to withdraw this petition at this stage with liberty to approach this Court again in case any serious legal prejudice is caused to the petitioners on the basis of the investigation permitted under the impugned orders.

Disposed of as withdrawn at this stage.

August 27, 2015
sanjay

(M.M.S.BEDI)
JUDGE