

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

**CRM-M-43532 of 2015
Date of Decision: 22.12.2015**

Lakhbir Kaur and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Tanu Bedi, Advocate for
Mr. Jaspreet Singh, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners, by way of instant petition under Section 482 Cr.P.C., seeks transfer of the investigation in a case arising out of FIR No. 181 dated 23.10.2015 under Sections 302/34 IPC, registered at Police Station Daba, Ludhiana, to some independent agency outside the jurisdiction of State of Punjab.

Learned counsel for the petitioners submits that petitioners have got a genuine apprehension that the investigating agency is not conducting the investigation in a fair and effective manner, as some close relatives of the accused are in a position to influence the investigating agency.

After hearing learned counsel for the petitioners and going through the record of the case, this Court is of the considered opinion that present one is not a fit case warranting interference at the hands

of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C, at this stage. It is so said because it is premature on the face of it to presume anything against the investigating agency.

It goes without saying that the investigating agency is duty bound to conduct a fair and effective investigation, irrespective of the status of the accused. Nothing substantial has come out so far on either way which may lend some force to the argument raised on behalf of the petitioner. In such a situation, possibility cannot be ruled out that apprehension raised by the petitioner might be ill founded. Further, this Court would be exceeding its jurisdiction while interfering in the powers of the investigating agency, at this stage, because report under Section 173 Cr.P.C. has not been presented so far.

In view of the above and without expressing any opinion merits of the case, lest it should prejudice the rights of either of the parties, at a later point of time, present petition is disposed of, however, with liberty to the petitioners to pursue their other remedies, in accordance with law.

(RAMESHWAR SINGH MALIK)
JUDGE

22.12.2015
Ak Sharma