

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

CRM-M-15402 of 2016.

Decided on:-05.05.2016.

Babli.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Parveen Kumar Rohilla, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed the present petition for quashing the order dated 17.2.2016 passed by the Principal Magistrate, Juvenile Justice Board, Panipat whereby application filed by the petitioner under Section 173(8) Cr.PC for further investigation/re-investigation of the case by Superintendent of Police, Panipat or some higher authority, was dismissed.

Learned counsel for the petitioner has contended that the petitioner is guardian/mother of juvenile Ravinder and is simpleton and rustic villager doing agriculture work in village Ujha. She has been constrained to approach this Court as her son has been involved in a false

case. The FIR No.1044 dated 4.9.2015 under Sections 201/34/302/364-A/120-B IPC was registered against Ravinder at Police Station Chandni Bagh, Panipat at the instance of complainant Naresh Kumar, who is father of deceased Sagar.

It has further been contended that on 3.9.2015 in the evening, son of the petitioner, namely, Ravinder was playing in the street and in the meanwhile, Bhirampal son of Same Singh came on his motorcycle on which Sagar was sitting as a pillion rider. Said Bhirampal had taken son of the petitioner with him by sitting him at the backside of Sagar on his motorcycle to see his field, where Bhirampal brought cold drinks and eatable article from his brother-in-law Sonu. They mixed up some intoxicating article in the cold drinks and gave the same to the son of petitioner and Sagar for drink. After drinking the same, Sagar became unconscious. The son of petitioner also suffered headache and was not feeling well at that time.

It has further been contended that the son of petitioner has falsely been implicated by the police in collusion with opposite party. Though, initially the SHO had assured that son of the petitioner would be a prosecution witness, but in collusion with opposite party, her son, who is juvenile, has been implicated in the present case. Therefore, the petitioner moved an application to the Superintendent of Police concerned for investigating the matter properly in fair manner followed by another application to the Director General of Police, Panchkula for further/fair

investigation.

Learned counsel for the petitioner has further argued that when defective investigation has come to light during the course of trial, it may be cured by further investigation if circumstances so permitted or fresh facts of the case is brought to the knowledge of the investigating agency. Ordinarily, it is desirable that the police should inform the Court about such facts and seek formal permission to make further investigation when fresh facts come to light. The concerned SHO and Superintendent of Police have been supplied the real facts to conduct further and fair investigation by some officials and carry out impartial investigation.

I have heard learned counsel for the petitioner.

The impugned order suggests that though the Board is empowered to direct further investigation, but it is settled law that such power has to be exercised sparingly and only in exceptional cases to achieve the ends of justice.

From the contents of application filed by the petitioner-applicant, it is noticed that the petitioner has herself mentioned the fact that the juvenile was allegedly kidnapped by Bhirampal along with deceased Sagar and was taken to his fields at Uttar Pradesh where he was administered some narcotic substance. Thereafter, he was brought back to his home. Investigation on that aspect has already been done by the police. During investigation, sufficient material was collected by the police against

the above named juvenile and final enquiry report was filed against him.

Further, the Board has taken cognizance on the basis of material so produced by the investigating agency. So far as the allegation made by the petitioner that the police has acted in collusion with the opposite party and falsely implicated the juvenile is concerned, this fact is a matter of evidence and can only be decided after the evidence is led before the Board in this context.

Therefore, this Court does not find any reason to interfere with the impugned order dated 17.2.2016 passed by the Principal Magistrate, Juvenile Justice Board, Panipat. As such, affirming the impugned order, the present petition, being devoid of any merit, is dismissed.

However, it is made clear that the observations made hereinabove shall not be construed as an opinion on the merits of the case and the Board shall decide the case on the basis of evidence available on record.

May 05, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE