

CRM-M-35391 of 2013 (O&M)

[1]

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

Sr. No. 235

CRM-M-35391 of 2013 (O&M)

Date of decision: April 26, 2016

Jyoti

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab,
for respondents No.1 & 2.

Mr. Jaspreet Singh, Advocate,
for respondents No.4 & 5.

JASPAL SINGH, J

This petition has been preferred under Section 482 of the Code of Criminal Procedure read with Section 226 of the Constitution of India seeking appropriate direction to respondents No.1 & 2 to hand over the investigations of the FIR No. 240, dated December 09, 2012 (Annexure P-1), registered under Sections 302/34 IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib to an independent agency like CBI.

A close scrutiny of the file transpires that after the investigation of the case, challan against Biru s/o Parshada Ram-

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respondent No.6 was presented in the court of learned Jurisdictional Magistrate which has since been decided by the learned Sessions Judge, Fatehgarh Sahib vide judgment dated March 30, 2015. A copy of the judgment dated March 30, 2015, passed by the learned Sessions Judge, Fatehgarh Sahib has also been furnished by learned counsel for respondents No.4 & 5. According to the said judgment, respondent No.6-Biru s/o Parshada Ram has since been acquitted of the charge. The accused-respondent No.6 has already been tried by Sessions Judge and has been acquitted of the charge leveled against him. Thus in such situation, the question of transfer of the investigation does not arise at this stage.

Accordingly, instant petition is dismissed as having become infructuous. However, the petitioner shall be at liberty to have recourse to the other remedies available to him under law.

April 26, 2016

Ankur

**(JASPAL SINGH)
JUDGE**