

CRM-M-7002-2016 (O&M)

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

**CRM-M-7002-2016 (O&M).
Decided on: February 26, 2016.**

Jagdish Kumar Sharma

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

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

**PRESENT Mr.Karan Singh, Advocate,
for the petitioner.**

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

This is a petition under Section 482 Cr.P.C. seeking a direction to the State authorities, respondent Nos.1 to 3, to take appropriate action in FIR No.337 dated 4.9.2015, under Sections 420, 406, 467, 468 & 471 IPC, registered at Police Station Farakpur, District Yamuna Nagar, for fair investigation and for inclusion of offence under Section 120B IPC. A direction has also been sought against the State authorities to effect arrest of respondent Nos.4 to 9 who are allegedly involved in the conspiracy.

On asking of the Court regarding status of the investigation, counsel for the petitioner submits that challan has already been presented vide Annexure P-2. In view of the challan having already been presented, the necessity and scope of further investigation appears to be the sole prerogative of the Investigating

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Agency subject to the availability of relevant and admissible evidence pertaining to conspiracy.

Without expression of any opinion regarding the culpability of the private respondents mentioned in this petition, I am of the opinion that grievance of unfair investigation could be raised by the petitioners by moving an application before the higher police authorities.

Counsel for the petitioner submits that Annexure P3 has been submitted before the DGP, Panchkula for transfer of the investigation and for fair investigation to determine the culpability of the other accused who have not been added as accused. It will not be appropriate for this Court, at this stage, to issue a direction for further investigation especially when neither any permission from the concerned Magistrate has been obtained nor any specific role has been attributed to the said person except for vague allegations of conspiracy.

The petition is dismissed. However, It will be open to the petitioner to press consideration of his application Annexure P3 submitted to the DGP, Panchkula. In case the claim of the petitioner is arbitrarily evaded, it will be open to the petitioner to avail the legal remedy available to him in accordance with law.

February 26, 2016.
rka

(M.M.S. BEDI)
JUDGE