

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-1801 of 2017

.....

Date of decision:1.2.2017

Fayyad

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajiv Sharma, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal miscellaneous petition has been filed by the petitioner under Section 482 Cr.PC. with a prayer for issuance of directions to respondents No.1 to 4 to transfer the investigation and take appropriate speedy legal action against respondents No.5 to 15 in the case FIR No.130 dated 27.11.2014 registered for the offences under Sections 148, 149, 323, 302, 447 and 506 IPC at Police Station Baheen to other independent investigating agency or any other Senior Police Officer not below IPS rank, in the interest of justice.

I have heard learned counsel for the petitioner and have gone through the record.

Earlier also the present petitioner filed petition i.e. Criminal Misc. No.M-6428 of 2016 before this Court, which had been taken up along

with Criminal Misc. No.M-15758 of 2016. At that time, the complainant as well as one of the accused, who had filed the petition for transfer of investigation to some independent agency and the learned State counsel also made a statement that he has no objection if the investigation is transferred to some independent agency. Therefore, in view of the fact that the complainant as well as accused had filed the applications for transfer of investigation to an independent agency, the State counsel has raised no objection that the investigation of the case may be transferred to Crime Branch, Panchkula, both the petitions were disposed of and this Court passed the order transferring the investigation to Crime Branch, Panchkula. The Crime Branch, Panchkula was also directed to proceed with the investigation expeditiously. None of the parties, at that time, when the order passed on 23.7.2016 brought it to the notice of this Court that the investigation was already complete and challan had already been presented before the trial Court.

Today also, learned counsel for the petitioner admitted that challan was presented before the trial Court in the month of April 2016, i.e. about three months before the passing of the earlier order by this Court in the above mentioned two criminal miscellaneous petitions for transferring the investigation. In view of the fact that as the challan was already presented and the investigation was already complete and that order with consent of all the parties that investigation be transferred had become infructuous, at that time, as the investigation was also complete and that order was obtained by concealing material facts from this Court.

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Therefore, now this petition again to transfer the investigation and to take appropriate speedy legal action also has become infructuous and, therefore, the same is dismissed.

However, the petitioner will be at liberty to file an appropriate application for further investigation before the trial Court, if so required. If any such type of application is filed before the trial Court, the trial Court will decide it as per law.

With these observations, this petition is dismissed.

February 1, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No