

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

**CRL. MISC. No.M-24273 OF 2016
DATE OF DECISION : 16th MARCH, 2017**

Mahipal

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Munish Mittal, Advocate for the petitioner.

Mr. G. S. Salwara, Deputy Advocate General, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith with the consent of counsel for the rival parties.

Heard learned counsel for the rival parties.

In the present petition there is a prayer for fair and impartial conduct of the investigation in FIR No.62 dated 10.12.2015 registered under Sections 302, 328 and 34 IPC at Police Station Karnal District GRP Ambala Cantt, later on transferrd to Civil Lines, Karnal against respondents No.5 and 7.

In response to the petition, learned counsel for the State has filed affidavit in reply and in addition makes a statement on instructions from the Inspector Inderjit that after investigation the police have prepared a cancellation report and would be filed within fifteen days from today before the competent Court.

Learned counsel for the petitioner submits that the investigation is shady and the statements of Sanjay Kumar and Bohti Devi, which were recorded by the Magistrate, have not been referred to by the Investigator.

In my opinion, since the police has completed the investigation and have decided to file the cancellation report, as aforesaid, the petitioner will have to be given liberty to file protest petition. It will be the obligation on the part of the prosecution agency to file the statement of Sanjay Kumar and Bohti Devi along with the cancellation report in order to enable the competent Court to make assessment of the cancellation report and the contentions to be raised by the learned counsel for the petitioner in his protest petition. The trial Court shall carefully and minutely look into the entire matter and proceed further in accordance with law.

Needless to say that the learned Magistrate to issue notice to the complainant after cancellation report is presented.

Disposed of with observations as aforesaid.

16th March, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE