

CWP-3867-2017

Date of Decision : 28.04.2017

Joginder Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl.A.G., Haryana.

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

Through instant petition, petitioner seeks issuance of a writ in the nature of *mandamus* directing the official respondents to entrust the investigation in FIR No. 323 dated 25.12.2016 under Sections 306/34 IPC registered at Police Station Naraingarh to CBI besides claiming protection of life and liberty.

Claim of the petitioner is that brother of petitioner Baljeet Singh was compelled to commit suicide on account of harassment by the officials of Haryana Vidhan Sabha. Dissatisfied with the investigation, the present petition has been filed.

The State of Haryana was required to submit the status report. It has been informed by the State counsel on instructions from the Investigating Officer that challan has already been presented against

the culprits, namely, Ram Nath, Randhir Singh, Satbir Singh and Tarsem Singh under Sections 306, 365, 386, 34 IPC and against Surinder Kumar under Section 212 IPC. The other named accused namely Balwinder Singh, Shivam and Ajit are yet to be arrested and warrants of arrest have been obtained from the Court of SDJM, Naraingarh and that the supplementary challan will be presented against the said accused after they are arrested.

I have gone through the report under Section 173 (2) Cr.P.C and I am of the opinion that since the investigation has been conducted in the present case through Special Investigation Team and steps are being taken to arrest the persons who are named in the FIR and could not be arrested as yet.

I have heard learned counsel for the petitioner in context to his grievance regarding the culpability of other accused who as per counsel for the petitioner are the Speaker and Liaison Officer besides the Secretary of Haryana Vidhan Sabha. It will be open to the petitioner to seek appropriate remedy, available to the petitioner, in accordance with law i.e. by filing a separate complaint or taking the aid of Section 319 Cr.P.C. at appropriate stage of the trial if there are circumstances warranting the same.

I have considered the circumstances of this case in the light of judgment *State of West Bengal and others versus The Committee for Protection of Democratic Rights West Bengal and others*, 2010 (2) R.C.R. (Criminal) 141 and I am of the opinion that the circumstances do

not warrant the reference of the matter for investigation through CBI.

Dismissed.

(M.M.S. BEDI)
JUDGE

28.04.2017
Neha

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