

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

Crl. Misc. M 20266 of 2017 (O&M)
Date of Decision: 19.7.2018

Jagdeep Kaur alias Charanjeet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ishan Gupta, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Sukhdeep Singh Sandhu, Advocate,
CBI Special Prosecutor, for respondent No. 5.

Mr. Kuldip Sanwar, Advocate,
for respondent No. 6.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure for entrustment of the investigation in case FIR No. 222 dated 31.10.2016 registered under Sections 498-A, 323, 34, 406 IPC at Police Station Sadar Dhuri, District Sangrur to an independent investigating agency.

Learned counsel for the petitioners would contend that there is utter high handedness of respondents in lodging the instant FIR. It is contended that the allegations, as set out in the FIR, are totally false and respondent No. 6 is taking undue advantage of her being a Constable in the Police Department. It is submitted that the petitioners herein were arrested

without following the dictum of the Supreme Court in **Joginder Kumar Versus State of U.P., (1994) 4 SCC 260** and **Lalita Kumari Versus Government of U.P. and others decided on 12.11.2013** and challan has been presented in the trial Court in undue haste.

Learned counsel for the respondent—State and the complainant submit that since the challan has been presented and charges have been framed, there is a remedy available for the petitioners herein to have challenged the same before the trial court.

I have heard learned counsel for the parties and in view of the fact that charges have already been framed, this Court is not inclined to interfere in the matter. However, this petition is disposed of with the liberty to the petitioners to avail whatever remedy is available to them in accordance with law.

The petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

19.7.2018
prem

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No