

In the High Court of Punjab & Haryana at Chandigarh.

CRM-M-22209-2017

Date of decision: 08.01.2018

Anil Kumar and Anr.

..... Petitioners.

vs.

State of Haryana & Ors

..... Respondents.

CORAM: HON'BLE MR. JUSTICE H.S.MADAAN

Present: Mr. Brijender Dhankar, Advocate for
Mr. Sandeep Sihag, Advocate, for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

H.S.MADAAN,J.(ORAL)

Mr. Gaurav Verma, Advocate, has appeared on behalf of respondent No.6 by filing memorandum of appearance, though notice has not been issued to him. He states that he is appearing for such respondent since he is a affected person in this case. FIR No. 196 dated 18.03.2017 for offence under Section 306 IPC was lodged by petitioner No.1-Anil Kumar against respondent No.6-Baldev Rana with Police Station Civil Lines, Karnal. The matter has been investigated and as informed by learned State counsel, the cancellation report has been prepared on 04.10.2017, though it is yet to be filed in the Court of learned Illaqa Magistrate. Complainant-Anil Kumar alongwith Rekha Rani, wife of deceased has approached this Court by way of filing of petition in hand praying that since respondent No.6-Baldev Rana, Advocate, is an influential person and remained President of District Bar Association, Karnal for sometime, therefore, investigation be handed over to Crime Branch or some other officers not below the rank of Superintendent of Police, District Karnal.

Official respondent(s) opposed the request by stating that the

investigation has been conducted in a fair and impartial manner. However,

no merit was found as regards the allegations in the FIR and for that reason cancellation report has been prepared.

After hearing learned counsel for the parties, I find that on filing of the cancellation report in the Court of competent jurisdiction, notice is required to be given to the complainant and in that eventuality, complainant would be afforded an opportunity to file protest petition giving his version of the case and then the Court is required to pass appropriate order in that regard. The said Court, if convinced by the submissions made in the protest petition, may order further investigation of the case. However, if the petitioners are aggrieved by the order passed by the Court below then they may approach this Court again by filing the petition, if so advised, as per law.

In view of the above, the petition stands disposed of.

08.01.2018
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(H.S.MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No