

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
115**

CRM-M-3882-2018

Date of decision: 01.02.2018

Deepak son of Satyawar

...PETITIONER

VS.

The State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Surinder Gandhi, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court praying for transfer of the investigation in FIR No. 729 dated 23.10.2017 (Annexure P-1) under Sections 323, 302, 34 IPC, Police Station City Rohtak.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and it is subsequently, on the statement of Hawa Singh, father of the deceased, that the petitioner's name figured in the FIR, on the basis of which, the petitioner is being arrayed as an accused. He contends that the petitioner has been falsely implicated in the case and the investigation is not being fairly conducted by the police authorities of District Rohtak and, therefore, the investigation be transferred out of District Rohtak or to any other agency including CBI. He further informs the Court that the proceedings for declaring the petitioner as a proclaimed offender stand initiated. He, thus, prays that the present petition be allowed.

I have considered the submissions made by the counsel for the petitioner and keeping in view the fact that the father of the deceased Hawa Singh, whose statement is appended as Annexure P-4, has directly named

the petitioner and attributed a role to him in the commission of offence, it cannot be said that the petitioner has been falsely implicated in the case. It appears that the efforts were being made to arrest the petitioner earlier also by the Investigating Agency but when he has not been found, the proceedings for declaring him as a proclaimed offender have been initiated. Merely because he is arrayed as an accused, cannot be a ground in itself to come to a conclusion that investigation is not being fairly conducted especially when the father of the deceased has named the petitioner as an accused.

Counsel for the petitioner states that in the statements given by Mahender Singh, elder brother of Hawa Singh and Dinesh, brother-in-law of Hawa Singh, they have not named the petitioner.

This submission of the counsel for the petitioner also cannot be accepted as the same also would not make a difference especially when Hawa Singh has specifically named the petitioner in the statement given by him under Section 161 Cr. P.C.

It appears that the petitioner has approached this Court with an intent to avoid the proceedings under Section 82 Cr. P.C., whereby he is being sought to be declared as a proclaimed offender because of he having evaded arrest.

No ground for interfering the present petition is made out. Therefore, the same stands dismissed.

February 01, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No