

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

CRM-M-49457-2017

Date of Decision: 14.05.2018

Priya Darshni and another

...Petitioners

V/S

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ajay Aggarwal, Advocate for
Mr. Narender Pal Bhardwaj, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral):

Prayer in this petition is for quashing of notice dated 01.11.2017 (Annexure P8) issued under Section 41A of Cr.P.C. by the DSP, State Crime Branch, Kurukshetra and for transfer the investigation from State Crime Branch, Kurukshetra to some other Police Station of another District.

Reply by way of affidavit of DSP, State Crime Branch, Kurukshetra on behalf of respondents No. 1 to 5 has already been filed and as per this reply, after registration of the aforesaid case, the matter was investigated by Local Police of District Karnal and thereafter, it was transferred to S.P.Yamuna Nagar and entrusted to the Detective Staff of Yamuna Nagar and some more investigation was carried out and statements of prosecution witnesses were recorded.

It is further stated in the affidavit that during investigation, the bail application of some of the accused persons was dismissed by the Additional Sessions Judge, Karnal, on different dates and thereafter, the

Director General of Police, vide letter dated 17.11.2017, has transferred the investigation to State Crime Branch, Karnal and during investigation, the statements of some more witnesses have been recorded. It is further stated that the notice under Section 41 (a) of Cr.P.C. is issued to the petitioners, in accordance with law, as there are specific allegations against them as detailed in the affidavit. It is further stated in the affidavit that the matter is under investigation, therefore, the present petition is pre-mature.

In view of the above, this petition is rendered infructuous at this stage, granting liberty to the petitioners to file a fresh one, after completion of inquiry. It will be open for the prosecution to issue fresh notice under Section 41 (a) of Cr.P.C. to the petitioners for completing the inquiry/investigation and the petitioners are bound to join the same.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

14.05.2018
smriti

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