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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3527/2018**

ASHWANI VASHIST

..... Petitioner

Represented by: **Mr.Sunil Kapoor and Mohd.Suaib,**
Advocates

versus

THE STATE & ORS.

..... Respondents

Represented by: **Ms.Richa Kapoor, ASC for the State**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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18.12.2018

1. By this petition, the petitioner seeks transfer of investigation to either DIU or Crime Branch.
 2. FIR No.30/2017 was registered under Section 307 IPC and Sections 25/27 of the Arms Act at PS Prasad Nagar on the complaint of the petitioner after an information regarding gunshot injury was received which was recorded vide DD No.13A and 14A on 6th February, 2017 at PS Prasad Nagar. When the Investigating Officer SI Mohit Malik reached the spot, he found blood scattered at the spot and a bullet hole was there in the shutter. The petitioner had been removed to the hospital where his statement was recorded.
 3. In his statement petitioner alleged that at 11:45 AM he along with his friend Dinesh @ Tattoo were standing in front of the house of the injured when suddenly one scooty colour maroon stopped far from Gali No.1-1/2 wherein two boys were sitting on the said scooty. The person riding the
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scooty was wearing a helmet and the pillion rider boy had tied a napkin on his face. The boy with a napkin on his face came to the injured and asked who is Bunty and why he was harassing Renu and pushed Ashwani Vashisht @ Bunty. On seeing this, friend of the petitioner namely Dinesh @ Tattoo who was standing there went upstairs to call Ashwani Vashist @ Bunty's wife. The fight started between the petitioner and the accused and accused fired a gunshot on the hand of the petitioner and fled away from the spot. Family members of the petitioner took him to the hospital.

4. Learned Additional Standing Counsel for the State at the outset states that the investigation is almost complete and the charge sheet is likely to be filed. On a query put by this Court as to whether the accused has been identified the learned Additional Standing Counsel for the State submits that since the accused had covered his face, he could not be identified and the only detail of the scooty given by the petitioner was that it was a maroon colour scooty. Owners of all maroon colour scooties in the nearby vicinity have been examined and no one is found to be involved. She states that in view of the suspicion arising from the statement, Renu and Naresh are being kept in column No.12 and a charge sheet filed.

5. From the statement of learned Additional Standing Counsel for the State, it is thus evident that without ascertaining who is the accused, a charge sheet is being filed which would be an exercise in futility. This Court further asked the learned Additional Standing Counsel as to whether any CCTV footage was collected to which the answer is in the positive. It is stated that despite CCTV footage in the area, the number of the vehicle could not be ascertained.

6. Considering the nature of investigation carried out and that a charge sheet is being filed without finding out the actual culprit, this Court deems it fit to transfer the investigation. It is, therefore, directed that the investigation of case FIR No.30/2017 under Section 307 IPC and Sections 25/27 of the Arms Act registered at PS Prasad Nagar be transferred to DIU Central for investigation.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

DECEMBER 18, 2018

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