

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

**CRM No.M-3344 of 2019 (O&M)  
Date of Decision: January 24, 2019**

Rajwinder Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Surjit Singh Salar, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

The petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuance of directions to respondents No.2 and 3 to arrest accused Sukhdeep Singh and Maninderjit Singh and to present the challan under Section 173 Cr.P.C. in case FIR No.91 dated 02.05.2018 under Sections 326, 452, 324, 323, 148 and 149 IPC, registered at Police Station Maur, District Bathinda.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record shows that the petitioner is asking for a direction to SSP, Bathinda and SHO, Police Station Maur, District Bathinda, to arrest accused Sukhdeep Singh and Maninderjit Singh and also direction to present challan under Section 173 Cr.P.C. in the above-stated

**FIR.** It is settled law that the Court cannot interfere in the investigation and

to tell the Investigating Officer to do the investigation in one way or the other. It is the prerogative of the Investigating Officer to conduct the investigation fairly, properly and independently. The Court cannot tell him to present the challan or not to present the challan against the accused. Similarly, the Court cannot ask the Investigating Officer to arrest the accused, which will mean that persons are involved in the commission of offence. As already discussed above, it is the prerogative of the Investigating Officer to find out during the investigation whether accused persons named in the FIR etc. are involved in the commission of the offence or are innocent or if, anybody else is involved or not. He is to make the investigation independently and to collect the evidence. If the Investigating Officer collects evidence showing involvement of the accused, he can present the report under Section 173 Cr.P.C. against him/them. If, he does not find that some of the accused or all the accused persons mentioned in the FIR are not involved in the commission of the offence, he may file appropriate report/cancellation report. As already discussed, the Court cannot give direction to the Investigating Officer to conduct investigation in a specific way.

Therefore, finding no merit in the present petition, the same is dismissed.

**January 24, 2019**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**