

In the High Court of Punjab and Haryana at Chandigarh

242-A

CRM-M-15182-2018 (O & M)

Date of Decision: 16.07.2019

BABITA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Pratham Sethi, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has sought direction to the official respondents to hand-over the investigation to an independent agency and also to arrest the accused named in the FIR.

Learned counsel for the petitioner contends that although the FIR was registered for various offences including the offence under Section 302 IPC but the investigating officer in order to help the accused had filed the challan under Section 304 and not under Section 302 of the IPC. He also contends that the petitioner had also approached the investigating agency with evidence including photographs and CD but the same was not taking into consideration while presenting the challan.

Learned State counsel, however, contends that although the challan at the first instance was preferred under various sections including Section 304 of the IPC but later on Special Investigation Team (SIT) had been

constituted to investigate the matter. On the recommendation of the SIT, supplementary challan was filed in the Court for various offences which included offence under Section 302 of the IPC. The trial Court after considering the challan has framed the charges against the accused and one prosecution witness has been examined and the case is listed before the trial Court for examination of the remaining witnesses on 18.07.2019. He has also referred to the reply filed on behalf of respondent No.1 in this regard. It is thus manifest that the grievance of the petitioner has been redressed to a considerable extent. The SIT had been constituted to investigate the offence and upon the conclusion of the investigation by the SIT, supplementary challan has been filed for the offence under Section 302 IPC, the charges have also been framed under Section 302 IPC and the trial Court is seized of the matter.

Consequently, no further directions are called for at this stage.

Hence the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 16, 2019

A.Kaundal

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