

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

CRM-M-19075 of 2016(O&M)

Date of Decision:26.02.2019

NARESH KHARAB

....Petitioner

Versus

STATE OF HARYANA AND ANR

....Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev Rajpal, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C.
for transfer of investigation of the FIR No. 265 dated 13.05.2016
under Sections 302, 148, 149, 323, 552, and 506 of the Indian Penal
Code registered at Police Station Urban Estate, District Rohtak
Haryana to an independent investigating agency.

In pursuance of the order dated 29.01.2019, learned State
counsel has filed reply by way of affidavit of Sh. Jashandeep Singh
Randhawa, IPS, Superintendent of Police, Rohtak on behalf of
respondent-State in the Court today. The same is taken on record. A
copy thereof has been supplied to the opposite side.

Perusal of paragraph No.3 of the reply reveals that the
cause of death has been given in this case is Pathology of Heart.

Learned counsel for the petitioner has pointed out that the
Crime Scene Visit Report has not been considered at all while

submitting the cancellation report, but since the same is pending for consideration, therefore he wishes to withdraw the present petition at this stage with liberty to raise all pleas before learned Illaqa Magistrate.

Be that as it may, it is an admitted position that the cancellation report has been submitted and the same is pending before learned Magistrate, thus the present petition is dismissed as withdrawn with the liberty aforesaid to the petitioner.

However, it is made clear that the Crime Scene Visit Report shall be considered by the learned Magistrate in its true letter and spirit alongwith protest petition, if any. It is clarified that above observations may not be construed as an expression of opinion on the merits of the case.

[MAHABIR SINGH SINDHU]
JUDGE

February 26, 2019
rashmi

Whether speaking/reasoned	yes
Whether reportable?	no