

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

**CRM-M No. 26194 of 2016
Date of Decision: 12.3.2019**

Bhavita

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. D.S. Matya, Advocate, for the petitioner

Ms. Mahima Yashpal, AAG, Haryana

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for transfer of investigation in case FIR No. 31 dated 11.3.2016, under Sections 376 and 506 IPC, registered at Women Police Station, Gurgaon, to the Central Bureau of Investigation or some other independent investigating agency.

Learned counsel for the petitioner while referring to Annexure P6, which are the e-mails sent by respondent No.2/accused, states that police had not conducted fair investigation and has not considered the e-mails and therefore, the case of the petitioner has been prejudiced warranting transfer of investigation and to entrust it to some investigating agency other than the police which had already conducted the investigation.

Learned State counsel, on instructions from ASI Dinesh Kumar, states that in the aforesaid FIR, the police has already completed the investigation and had submitted challan on 23.8.2016. Thereafter, the charges

were framed on 14.9.2016 and out of total 10 prosecution witnesses, 5 witnesses have already been examined and remaining witnesses are summoned for 15.3.2019.

Mentioning the fact that the learned trial Court has already taken into consideration the argument of learned counsel for the petitioner that there was an interim order whereby proceedings were stayed, does not help the petitioner in any manner. Learned counsel for the petitioner has relied upon **'Vinay Tyagi v. Irshad Ali @ Deepak and others, 2013 (2) RCR (Criminal) 197'** and **'Amrutbhai Shambhubhai Patel v. Sumanbhai Kantibhai Patel and others, 2017 (1) RCR (Criminal) 1030'** in support of his arguments.

I have heard learned counsel for the parties.

The facts of the aforesaid judgments are altogether different to the facts of the present case. Police had already completed investigation in the case and even charges were framed.

Considering the fact that five prosecution witnesses have already been examined by the learned trial Court and remaining witnesses are called for 15.3.2019, no case is made out for interference.

The petition stands dismissed.

(HARI PAL VERMA)
JUDGE

12.3.2019

Ashwani

Speaking/Reasoned	:	Yes / No
Reportable	:	Yes / No