

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

CRM-M No.37382 of 2014
Date of decision: 28th March, 2019

Narender Nath Maharana

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Anil K. Lamdharia, Advocate for the petitioner.

Mr. Ripudaman, Asstt. Advocate General, Haryana
for respondents No.1 to 3/State.

Mr. Sumeet Goel, Advocate for respondent No.4/CBI.

FATEH DEEP SINGH, J.

Petitioner Narender Nath Maharana has invoked through this petition the provisions of Section 482 Cr.P.C. for entrustment of investigations of case bearing FIR No.536 dated 20.08.2012 under Sections 363, 366 IPC pertaining to Police Station Samalkha, District Panipat to Central Bureau of Investigation.

The brief averments as have been brought to the notice of the Court as per claim of the petitioner are that his minor daughter had been enticed and taken away by one Amit Kumar and his accomplice on 09.07.2012 and on account of which, an FIR was got registered, however, the police on account of political influence and interference were not properly investigating the case nor arresting the accused persons

responsible for this kidnapping. Thus, on account of this inordinate delay in the investigations and inability of the petitioner to get justice, the present petition has come about.

Upon notice, State has filed reply taking the plea that the matter has already been transferred to State Crime Branch, Rohtak vide orders dated 10.10.2013 by the then Additional Director General of Police, Crime, Haryana. It is claimed that necessary witnesses have been joined in the investigations. The official respondents in their response claimed that they have taken every step by making announcement on the Radio Station, Television, Media and also circulated the particulars at public places and by conducting polygraph tests upon the suspected persons but no clue could be secured. It is claimed that in spite of interrogation of Amit Kumar, Ajit Kumar, Satish and Dharamvir, nothing tangible has come and thereafter, identification of the missing girl was sought to be verified from unclaimed dead-bodies. The answering respondents have claimed that the insinuations and allegations levelled by the petitioner against the police force were uncalled for and that the police had made best endeavours to trace the girl, thus, terming the allegations to be figment of imagination of the petitioner, have sought dismissal of the same.

The CBI in their stand had taken the plea that the case does not fall within the parameters of law laid down by the Hon'ble Supreme Court in the case of **'State of West Bengal vs. Committee for**

Protection of Democratic Rights” 2010 (3) SCC 571 and therefore, the case is not of a heinous nature so as to entrust its investigations to the premier agency.

Heard.

During the course of submissions made by Mr. Anil Kumar Lamdharia, Advocate for the petitioners; Mr. Ripudaman, learned Asstt. Advocate General, Haryana representing the official respondents No.1 to 3 and Mr.Sumeet Goel, Advocate on behalf of CBI/respondent No.4, after heated debate, allegations and counter-allegations, on the concurrence shown by the two sides that allegations levelled by the petitioner are of such a nature and with a view to ensure that justice is meted out to the petitioner and does not feel that he has been eluded from the same, it would be in the fitness of things if a Special Investigating Team (SIT) is constituted headed by Mr. Mohammad Akil, IPS, present Commissioner of Police, Gurugram (Haryana) who would thoroughly investigate the allegations of the petitioner regarding disappearance of his daughter. To facilitate this investigation, the in-charge of this SIT, Mr.Mohammad Akil would exercise his discretion in associating members of his team not exceeding more than three, of adequate rank, standing and of good track record. The SIT would make sincere and bona-fide efforts to investigate into these allegations and submit periodic report to this Court. It needs to be ensured that the SIT must associate at all levels of investigation the petitioner and his family so that they do not

feel that they have not been afforded opportunity to assist in the investigations. The present petition thus stands disposed off accordingly.

A copy of this order be sent to the Secretary (Home), Haryana and another to the Director General of Police, Haryana, who will ensure that necessary steps are taken in this direction at the earliest.

(FATEH DEEP SINGH)
JUDGE

March 28, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No