

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

CRM-M-38793-2017

Date of Decision: 04.12.2019

Ramphal

...Petitioner

Versus

State of Haryana and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajender Kumar, Advocate for the petitioner.
Mr. Manish Bansal, DAG, Haryana

ANIL KSHETARPAL, J.

The present petition has been filed by a unfortunate father, who has lost his son, seeking transfer of the investigation from Haryana Police to Central Bureau of Investigation.

Keeping in view the gravity of allegations made, notice of motion was issued and reply from the State was sought. Pursuant thereto, status reply was filed.

After perusal of the status report, on 08.03.2018, following order was passed:-

“Having perused the status report, which has been filed in the form of the affidavit of the Deputy Superintendent of Police, A.E.C. Kaithal, it appears that a Special Investigation Team has been constituted and now dates have been obtained for conducting the Narco Test of the suspects.

List on 10.05.2018.

Latest status report be filed by the State before the next date of hearing with a copy in advance to the counsel for the petitioner.”

On 30.07.2018, when the case once again came up for hearing, following order was passed:-

“Status report by way of affidavit of Sh. Ram Kumar, HPS, Deputy Superintendent of Police, (AEC) Kaithal has been

filed in Court and the same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

A perusal of the report shows that the accused Sandeep and Deepak were tested through Narco Analysis on 06.04.2018 but no information regarding the murder of Vikas could be elicited from them. Jyoti, fiancée of the deceased Vikas as well as Asha, sister of Jyoti, have yet to be subjected to polygraph test, which is to be conducted on 1.8.2018.

Learned counsel for the petitioner prays for time to go through the affidavit.

Adjourned to 5.10.2018.

The State is directed to file a fresh status report after polygraph test of Jyoti as well as her sister

It has further been brought to the notice of the Court that as per Narco analysis test conducted upon respondents No.4, 5 and 7, they are not found involved in the alleged murder of the son of the petitioner. The case was still adjourned as Narco analysis test of respondent No.6 could not be carried as she was expecting.

A fresh status report has been filed. Narco analysis test of Baljeet has also been carried out and the report does not show involvement of Baljeet. However, Narco analysis test of Aasha is still pending.

Keeping in view the aforesaid facts, this Court is of the considered opinion that no ground is made out to transfer the investigation. Hence, the petitioner is relegated to his alternative remedy.

Disposed of.

04.12.2019
mks

(ANIL KSHETARPAL)
JUDGE

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