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

CRM-M-37136-2019

Date of Decision: 13.11.2019

Omparkash

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner Omparkash (complainant) has filed this petition under Section 482 Cr.P.C. for issuance of directions to respondent Nos.1 to 3 to transfer the investigation and to take action against respondent Nos.5 to 13 in case FIR No.0174 dated 02.04.2019, under Sections 307, 379-B, 148, 149, 323 and 506 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Ballabgarh, District Faridabad (Annexure P-1).

On 04.09.2019, learned State counsel was directed to apprise the Court about the status of the investigation in the above FIR and pursuant to said order, a response by way of affidavit of Bhagat Ram, HPS, Assistant Commissioner of Police, Tigaon District Faridabad had been filed on behalf of respondent Nos.1 to 4. It is mentioned in the reply that after registration of the case, the statements of the witnesses were recorded and a cross case bearing FIR No.178 dated 06.04.2019, under Sections 148, 149, 323, 452 and 506 IPC, at Police Station Sadar Ballabgarh, District Faridabad was registered against the petitioner.

As per the reply, the opposite party had given a video clip in respect of the alleged occurrence. Apart from this, it is highlighted that the quarrel between the parties took place on the main road and neither there was any evidence of snatching of money from the petitioner nor any firearm was used in the alleged incident. During the investigation, the offences punishable under Sections 307, 379-B IPC and Section 25 of the Arms Act were deleted and the offence punishable under Section 325 IPC was added. Accused, namely, Ram Kumar, Prabhat and Ranbir Singh were granted anticipatory bail by the learned Addl. Sessions Judge, Faridabad on 19.07.2019, whereas the two other accused, namely, Manjit and Om Pal were arrested on 20.06.2019. It is pointed out that these two persons were extended the concession of regular bail.

After hearing learned counsel for the parties and perusing the pleadings, this Court does not find any valid reason to transfer the investigation at this stage, which is apparently at an advance stage.

Resultantly, the petition fails and the same is dismissed.

13.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No