

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP-852-2017 (O&M)

Date of Decision: September 20, 2019

Maqsood and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surjit Sindher, Advocate,
for Mr. Vikram Singh, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Rajiv Narain Raina, J. (Oral)

1. The only material prayer in this petition is at Sr. No.(i) which reads as under:-

“i) Issue a writ in the nature of certiorari for setting the order/decision dated 19.12.2016 (Annexure P-3) passed/given by the respondent no.2 in a complaint filed by the respondent no.5, by ignoring the fact that the matter is already sub judice before this Hon'ble Court.”

2. A perusal of the order brought to scrutiny under Article 226 of the Constitution of India reveals the proceedings of the minutes of the meeting dated 19.12.2016 of the District Public Relations and Grievance Committee, Nuh, held under the Presidentship of the Minister of Transport, Housing and Prisons, Haryana in a case of alleged murder of Irshad, the 17 year old son of Sher Khan son of Kamrudeen, who has been named

respondent No.5, for apparently no reason other than he got FIR No. 352 dated 04.07.2016, registered under Sections 302/201 IPC, at Police Station Nuh, District Mewat (presently known as District Nuh) against unknown persons. The ten petitioners were rounded up as suspects and interrogated by the police in connection with the murder. During the investigation, a polygraph test was conducted on all the accused, who had been named by Sher Khan later on.

3. Mr. Saurabh Mohunta, DAG Haryana, has on the strength of the investigation report brought to Court by HC Krishan Lal of Police Station Nuh stated that the results of the polygraph test conducted on the petitioners were in the negative. The opinion of the expert, who conducted the test, was a medical doctor, who found that the same set of questions put to the accused had been answered truthfully that they were not involved in the murder. Those young men, aged between 20 to 38 years, most of them in their early 20s, have filed this petition with the aforesaid prayer.

4. The proceedings of the District Public Relations and Grievance Committee in the considered view of this Court are not justiciable in original writ proceedings as they cannot be said to be anything other than calling for replies from the officers of the Police Department. It has been recorded that till date nothing incriminating has come out against the accused persons, but the police had assured the Committee that efforts will be made to bring out the name/s of the real culprits as early as possible. The police appears to have made no headway in the blind murder.

5. By keeping this writ petition pending, will serve no useful purpose and the same is disposed of keeping the investigation alive. As and when the police has any clue to the real culprits, this Court has no doubt that

the case will be taken to its logical end. If the petitioners are aggrieved with the order of further investigation in this case, even then no orders can be passed in the present frame of the petition. It is not for the Court to put an end to a criminal investigation without any material on record.

6. Mr. Mohunta has returned the file of the case to the custody of the police official, who brought it.

7. With the above observations, present petition stands disposed of.

September 20, 2019
vkd

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No