

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7354-2020 (O&M)

Date of decision: 20.02.2020

Shanker

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ram Niwas Kush, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is to transfer the investigation of FIR No.731 dated 04.08.2017 under Sections 148, 149, 302, 307, 414 IPC, Section 25 of Arms Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City Hisar, to some independent agency like CBI.

Brief facts of the case are that petitioner Shanker (now confined in Central Jail-I, Hisar) is one of the accused in the aforesaid FIR, registered at the instance of complainant Ajay son of Naresh Kumar, who has stated that they are four brothers and petitioner Shanker and co-accused Parveen Saini are dealing in the business of selling of narcotics and they suspected that family of the complainant is giving complaints to the police about their

activities. On the date of incident, petitioner Shanker along with Parveen Saini and other persons named in the FIR, came and gave a lalkara to teach lesson to his brothers Sunil and Vinod. In the meantime, his another brother Sachin also reached there. Petitioner Shanker and co-accused Parveen Saini started firing on his brothers Sunil, Vinod and Sachin, who sustained bullet injuries and fell down. When the complainant reached and raised a voice, they ran away. When they were taking the victims to hospital, Sachin died on the way, while Sunil died during treatment.

The police has submitted the challan and the case is at the stage of recording the prosecution evidence and some substantive evidence has already been recorded.

Learned counsel for the petitioner has argued that the petitioner has given an application before the Senior Superintendent of Police, Hisar for preserving some CCTV footage, which the police has taken into possession and copy of the same is not provided to the petitioner, as the police is denying having recovered any such CCTV footage. It is also submitted that the petitioner has filed an application under Section 173 (8) Cr.P.C. before the trial Court for further investigation, on the aspect that CCTV footage be produced. The trial Court, vide order dated 19.02.2018, dismissed the application, after hearing the Public Prosecutor, counsel for the complainant as well as counsel for the petitioner, finding no ground to direct further investigation.

Learned counsel for the petitioner has relied upon a news item published in a Hindi newspaper dated 04.08.2017, in which it is stated that

there was a CCTV camera installed in the corner of a street. It is thus submitted that the police is not providing the said CCTV footage.

After hearing learned counsel for the petitioner, I find no ground to entertain the present petition, filed by petitioner Shanker, who is facing trial for committing murder of two persons/brothers of the complainant.

The news item has no authenticity, as some CCTV camera was installed on the corner of the street, whereas the petitioner, in this petition, has stated that he has fixed the CCTV camera outside his house.

The incident pertains to 04.08.2017 and at this stage, when the trial is at the advanced stage, this Court finds no ground to entertain the present petition, which is based on flimsy grounds.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

20.02.2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No