

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

CRM-M-28996-2020

Date of decision : 22.09.2020

HARPREET SINGH

.....Petitioner

Vs.

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for a direction to respondent No.2 to carry out a fair and transparent investigation in the case lodged vide FIR No.40 dated 21.08.2020 (Annexure P-1) under Sections 376-B, 377, 354-B 354, 323, 343, 451, 511 and 120-B of the Indian Penal Code, 1860 registered at Police Station Women, Dabwali, City Dabwali, District Sirsa.

The petitioner is an accused in the above referred FIR. It has been contended by the learned counsel for the petitioner that no fair investigation is being carried out in the matter and he prays for a direction that the official respondents be directed to carry out a fair investigation. He further contends that a representation Annexure P-3 (undated) has been addressed to the Superintendent of Police, however, no action has been taken.

Notice of motion.

On the asking of the Court, Mr. Deepak Bhardwaj, DAG Haryana has put in appearance through video conferencing and accepts notice on behalf of the respondent-State. Learned State counsel, on

instructions from ASI Gurmeet Kaur, states that the mother and sister of the petitioner, who are also accused in the same FIR, have been granted anticipatory bail and they have since joined investigation, whereas the petitioner and co-accused, Manu, have not joined the investigation till date.

I have heard learned counsel for the parties.

In the present case, the prayer is for carrying out a fair investigation and learned counsel for the petitioner has contended that a representation, Annexure P-3, has been given to the Superintendent of Police for carrying out a fair investigation. However, a perusal of the said representation reveals that it is undated and also does not disclose any date as to when it was submitted. Further, the petition is also pre-mature inasmuch as the petitioner has himself not joined the investigation till date. The evidence that the petitioner has attached with the present petition cannot be looked into by this Court in the present proceedings. The petitioner has chosen not to join the investigation and to prove his innocence he has to bring the relevant evidence to the notice of the official respondents who would then be in a position to carry out a fair investigation. It is strange that the petitioner is praying for a fair investigation without joining the investigation himself.

In view of the above, I do not find any merit in the present petition and the same is dismissed.

September 22, 2020
kv

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No