

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 32040 of 2020
Date of Decision: 12.10.2020**

Shamsher Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for issuance of directions to respondents No. 1 to 4 to transfer the investigation in case FIR No. 32 dated 12.3.2020 under Sections 323, 341, 506, 511, 295-A, 307 (deleted later on) and 34 IPC, registered at Police Station Division No. 6, District Jalandhar to any other independent agency.

Learned counsel for the petitioner submits that earlier the petitioner had approached this Court for transfer of investigation of the present FIR and vide order dated 27.7.2020 (Annexure P-9), this Court was pleased to issue directions to Commissioner of police, Jalandhar to decide the representation of the petitioner dated 11.6.2020, but no action has been taken on the said representation till date and the prosecution agency is shielding the accused.

Notice of motion to the State-respondents.

On the asking of the Court, Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of the State. He has pointed out that investigation in this case is still going on.

I have heard the learned counsel for the petitioner as well the learned State counsel and have gone through the assertions made in the petition.

There are categorical judgments on the issue that during investigation, the Courts may not interfere.

Without going into the merits of the present case, the present petition is disposed of with liberty to the petitioner to approach the Magistrate concerned with all the pleas, as have been raised in the present petition, if so advised, in terms of the judgment of the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya and Ors. Vs. The State of Gujarat and Anr., 2019 AIR (SC) 5233*.

(HARNARESH SINGH GILL)
JUDGE

October 12, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No