

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 22294 of 2020

Date of Decision: 22.12.2020

Manoj Kumar

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Bhavpreet Singh Dhatt and
Mr. Amish Aggarwala, Advocates
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate
General, Haryana for respondents No.1 to 3.

Anil Kshetarpal, J.

It is sad that the petitioner's son committed suicide on 04.05.2020. He has invoked the extraordinary jurisdiction under Article 226/227 of the Constitution of India seeking the following reliefs:

- “I) Issue a writ of mandamus directing the conducting of an independent and impartial investigation into FIR No. 237 dated 14.05.2020 (Annexure P-1) by the Central Bureau of Investigation or another independent agency by transferring it from the Special Investigation Team of the Gurugram Police;*
- II) Issue a writ of certiorari quashing the impugned orders dated 20.10.2020 and 27.10.2020 (Annexure P-15) granting anticipatory bail to respondent No.5 “BK”, Child in Conflict With Law(CICL);*
- III) Issue a writ of certiorari quashing the impugned orders dated 21.08.2020 and 31.08.2020 (Annexure P-14) granting anticipatory bail to respondent No. 6 “AK”, Child in Conflict With Law(CICL);*

IV) Any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be issued".

It is not disputed that FIR No. 237 dated 14.05.2020 has already been registered. From the perusal of various orders passed by the Judicial Magistrate Ist Class, it is apparent that the court is already overlooking the investigation. A Special Investigating Team headed by the Assistant Commissioner of Police, Gurugram has already been constituted.

In the present petition, the petitioner prays for handing over the investigation to the Central Bureau of Investigation or any other independent agency. Another prayer is to quash the order by which pre-arrest bail was granted to the Child in Conflict with Law.

After having gone through the writ petition, this Court is of the considered view that since, the concerned Judicial Magistrate is already seized of the matter, therefore, it would not be appropriate for this Court to issue any direction. Further, prima facie, the petitioner has failed to make out any ground for interference under Article 226 of the Constitution to interfere and cancel the bail granted to the juveniles. However, the petitioner, if so advised, shall be liberty to file appropriate petition for cancellation of the bail as provided under Criminal Procedure Code, 1973. With these observations, the writ petition is disposed of.

(Anil Kshetarpal)
Judge

December 22, 2020
"DK"

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