

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

CRM-M No.41358 of 2016 (O&M)

Date of decision: 4th February, 2020

Jaswant Singh

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for the respondents/State.

FATEH DEEP SINGH, J.

In this petition with the aid of Section 482 Cr.P.C., the petitioner complainant Jaswant Singh had sought directions to the official respondents to transfer investigations of case bearing FIR No.0014 dated 09.01.2016 registered under Sections 302, 323, 341, 148, 149 IPC pertaining to Police Station Safidon, District Jind, either to the Central Bureau of Investigation or Special Investigating Team comprising of senior IPS officers. The precise allegations are that during the course of Panchayat elections to be held in January 2016, the accused party comprising of 18 persons on one hand and that of the complainant on the other entered into a scuffle leading to death of one person and injuries to two. Upon registration of the FIR and during investigations, the complainant claims that the police had tried to act in a partisan manner and did not enquire into the allegations against each and every accused and with a view to shield some of the culprits, have made lopsided

investigations for a motivated cause. The petitioner states that they have been moving applications to the higher authorities throughout but no worthwhile action was initiated and hence the present petition.

The State in its reply, besides usual preliminary objections, has taken the stand that two political opponents had entered into confrontation leading to death and injuries, in which eight persons were arrested and it was a case of sudden fight after the two sides met each other on the way after the canvassing. It is alleged that the police had acted in an impartial manner and had collected entire evidence and in fact the complainant side was trying to falsely implicate innocent persons and there was a history of criminal case pending between the parties prior to the present occurrence. The prosecution has claimed that the investigations have since been concluded and the report under Section 173 Cr.P.C. has been presented in the Court which is under trial.

Upon hearing Mr. Amit Khatkar, Advocate for the petitioner; Mr. Deepak Manchanda, Addl. Advocate General, Haryana representing the respondents and on perusal of the records.

It is the admitted stand of the two sides that consequent upon the occurrence, the police had promptly registered a case and investigations were set into progress in which eight persons were arrested. Learned counsel for the petitioner could not convince this Court except the submissions made by him that all the persons have not been arraigned as accused. As has already been observed and is not refuted by the learned counsel for the two sides, application under Section 319

Cr.P.C. moved by the present petitioner side stands dismissed by the learned trial Court vide orders dated 13.09.2017.

The arguments of learned State counsel are that till date there has been no resort to the provisions of Section 156(3) Cr.P.C. by the petitioner to enable the concerned Magistrate to have a look at the investigations being carried on or over the allegations so levelled in this petition. The records spell out that upon completion of investigations, challan against certain accused was presented in Court and they were charged. Thus, there is nothing overwhelming at this stage brought to the notice of this Court necessitating intervention by this Court with the aid of its inherent powers under Section 482 Cr.P.C. The learned trial Court has adequate powers to summon any person as an accused if the evidence is led to that effect. Since the investigations have already been completed and the matter is under trial, in view of the settled proposition of law laid down in '**State of Haryana and others v. Ch.Bhajan Lal and others**' **1992 AIR SC 604**, the provisions of Section 482 Cr.P.C. are to be sparingly used to meet the ends of justice and in the present case no such circumstance could be brought forth necessitating the exercise of these powers. The petition being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 4, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No