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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 3430/2019

RAJ PAL

..... Petitioner

Through: Mr Praneet Pranav, Mr Harpal Singh
and Mr Rahul Kumar, Advocates.

versus

THE STATE & ORS

..... Respondents

Through: Mr Rahul Mehra, Standing Counsel
for State with Mr Jamal Akhtar,
Advocate.
Mr Neeraj, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.01.2020

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) A writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order direction under Article 226 of the Constitution of India to the Respondent to registered fresh case regarding death of petitioner's deceased son Pushpender Kumar;

(b) A writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order direction under Article 226 of the Constitution of India to the Respondents to transfer the case to the Central Bureau of Investigation (CBI) for fair investigation of the present case.”

2. A status report has been filed, which indicates that on 19.09.2019 at

about 01:00:26 AM a PCR call was received at PS Kanjhawala indicating that somebody had driven a vehicle inside the pond and the vehicle was submerged. The said call was made from a mobile phone with the mobile no.9812883105. The said PCR call was transferred to SI Pardeep Rathi for necessary action and, thereafter, the IO along with Ct. Krishan reached the spot and it is stated in the report that the caller, namely Sachin, was found at the spot. During his examination he stated that one Ravinder @ Bania (respondent no.5) supplies illicit liquor from Haryana to Delhi and he worked for him as a cash collector. On further inquiries, it was learnt that one Tata Safari car, which had been submerged in the pond, had two persons in it. The Fire Brigade staff and the drivers were called to trace the said vehicle. Subsequently, at about 05:30 AM, the divers traced the vehicle and with the help of private crane, the car was taken out of the pond. The said car was full of illicit liquor and the said vehicle was moved to PS Kanjhawala along with its contents.

3. Subsequently, at about 02:05 PM on 09.08.2019, information was received that a dead body was floating at the pond outside Rani Khera village. The dead body was identified as son of the petitioner.

4. The petitioner alleges that this is not a case of any accidental death but a case of pre-planned murder. According to the petitioner, the mobile no.9812883105 belongs to respondent no.5 and he is involved in the said crime. The petitioner alleges that proper investigation has not been done as no allegation of commission of offence punishable under Section 302 IPC has been made.

5. It is in the aforesaid context that the petitioner seeks that the

investigation be transferred to another agency.

6. Insofar as the petitioner's grievance regarding registration of FIR is concerned, FIR has already been filed and in case any material is found to substantiate that a more serious offence was committed, reference to the same would also be included in the FIR.

7. Insofar as the petitioner's prayer regarding transfer of investigation is concerned, this Court is informed that the investigation already stands transferred to District Investigation Unit, Rohini District, Delhi by an order dated 29.01.2020.

8. The learned counsel appearing for the petitioner states that since this would be a complicated case which also involves transportation of illicit liquor, the investigation ought to be transferred to an independent agency. Considering the circumstances of this case, this Court considers it apposite to direct that the investigation be transferred from DIU, Rohini District to the Crime Branch forthwith.

9. Respondent no.2 is directed to issue appropriate orders for implementation of this order.

10. The petition is disposed of with the aforesaid directions.

11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 31, 2020
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