

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

229

CRM-M-3387-2021

Date of Decision:16.03.2021

Bikram Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Manish Soni, Advocate,
for the petitioners.**

**Mr. Deepak Sabharwal, Addl. A.G., Haryana,
for respondent Nos.1 to 5.**

**Mr. Keshav Pratap Singh, Advocate,
for respondent No.6.**

**Mr. Chandan Deep Singh, Advocate,
for respondent Nos.7 and 8.**

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of Communication/Letter dated 06.01.2021(Annexure P-16) issued by respondent No.6-Inspector General of Police, Ambala Range, to transfer the investigation of complaint No.CFMS/47198 dated 13.10.2020 filed by petitioner Nos.1 and 2 from respondent No.5-IG South Range to himself(respondent No.6). Further prayer is to direct respondent No.6 not to proceed with the inquiry/investigation of complaint filed by private respondent Nos.7 and 8 during pendency of present petition. At the same time, it is prayed that direction be issued to respondent No.5 to conclude the inquiry/investigation of complaint in a time bound manner and

the petitioners be further permitted to accompany legal practitioner during the course of inquiry.

Reply by way of affidavit of Sh. Rakesh Kumar Arya, Inspector General of Police, Headquarters, Haryana, Panchkula, filed on behalf of the respondents-State, is taken on record.

The factual matrix is that on 14.10.2020, a complaint dated 23.09.2020 was received in the Police Headquarters with the allegations against Bikram Singh Yadav son of Raghu Nath Singh Yadav, Sunita Devi Yadav wife of Bikram Singh Yadav and their company Deputy Gothwal Constructions private Limited for illegally getting license for a Group Housing Society on land of the complainants by forging fake collaboration agreement and other documents which was actually never signed by the complainants and the complainants have also never applied for any such license. The complaint was initially sent to the Commissioner of Police, Gurugram, to take necessary action as per law. Meanwhile, complainant-respondent Nos.7 and 8 again approached Home Minister, Haryana, by filing another complaint and got the same marked for inquiry by IG, Ambala. The petitioners had attended office of IG, Ambala in compliance of summons/letters from the office of IGP, Ambala, on 26.10.2020, 27.10.2020 and 02.11.2020 (Annexure P-11) and alleges that investigation by IG, Ambala is being carried out in biased manner. The impugned order/letter dated 06.01.2021 is issued by respondent No.6 to transfer the investigation of initial complaint No.CFMS/47198 dated 13.10.2020 filed by respondent Nos.7 and 8 superseding the order dated 20.11.2020 passed by DGP, Haryana, whereby the said complaint was transferred from IG,Ambala Range to IG South Range.

As per the reply of the State, there are two reports on record. The report sent by the Commissioner of Police, Gurugram vide his office memo No.25498/HM/CC dated 23.11.2020 vide which the matter was found to be of civil nature and the second report dated 09.02.2021 sent by the IGP, Ambala Range, Ambala vide which the matter has been found to be of criminal nature. However, the report of IGP/Ambala Range, Ambala has been prepared without the petitioner having fully joined in the inquiry proceedings.

Heard learned counsel for the parties.

There is a consensus between the learned counsel for the parties that taking into consideration the nature of controversy involved in the present petition, the inquiry be entrusted to some senior police officers not below the rank of DGP/ADGP.

Therefore, noticing the consensus of learned counsel for the parties and without making any observations in the controversy involved in this petition, this Court deems it appropriate to transfer the inquiry/investigation of the complaint filed by respondent Nos.7 and 8 and the same is hereby entrusted to the Director General of Police(Crime). However, it shall be open to the Director General of Police(Crime) to keep the inquiry/investigation with himself or entrust the same to some other senior officer under his supervision. Further, such inquiry/investigation shall not be conducted by an officer below the rank of Inspector General of Police.

The petition stands disposed of accordingly.

March 16, 2021
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(HARI PAL VERMA)
JUDGE