

CRM-M-25995-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-25995-2021 (O&M).
Decided on: August 31, 2021.**

Bhagat Singh

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Yash Dev Kaushik, Advocate,
for the petitioners.**

Mr.Deepak Manchanda, Addl. A.G. Haryana.

**Mr.Jai Singh Dev Yadav, Advocate,
for respondent Nos.4 and 5.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for directing respondent Nos.1 to 3, to get the matter investigated thoroughly in FIR No. 80 dated 29.4.2019, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Chhainsa, District Faridabad by an independent investigation agency.

For the reasons recorded in the misc. application (CRM-

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23984-2021), the same is allowed. Copy of FSL report (Annexure P-3), is taken on record.

Learned counsel for the petitioner has submitted that in the present case, the dispute is between family members and it pertains to the property belonging to his father namely Net Ram. He has submitted that brother of the petitioner namely Satya Dev along with sister had got forged a sale deed as well as one relinquishment deed in their favour which was also purported to have been executed by the petitioner but in fact, it was a forgery committed by the private respondents because he had never executed the sale deed or the relinquishment deed. He has submitted that even the report of the Forensic Laboratory also supports the contention of the petitioner. He has submitted that thereafter, the FIR was registered but eventually the police had got the investigation conducted and decided to present a cancellation report in this regard.

This Court had directed the State of Haryana to file status report and accordingly, the status report by way of affidavit of Assistant Commissioner of Police, Tigaon, Faridabad, Haryana on behalf of respondent Nos.1 to 3 has been filed.

Learned State counsel, while referring to the status report, has submitted that after conducting investigation, it was decided that FIR is required to be cancelled but when it was sent to the higher authorities for its approval, the then DCP, Ballabgarh, objected to the same and sent back the case for further investigation specifically on the basis of FSL report which was received from FSL Madhuban with regard to the hand

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writing of the petitioner and therefore, the cancellation report dated 6.9.2019 has been recalled back and the matter is now being further investigated especially in view of the FSL report.

The relevant portion of status report is reproduced as under:-

“6. That on the basis of these documents a cancellation report was prepared by the then SHO on 6.9.2019 but when the cancellation report was sent to higher authorities for approval of the same, the then DCP, Ballabgarh, objected to the same and sent back the case for further investigation specifically on the basis of FSL report from FSL Madhuban with regards to the hand writing of the petitioner i.e. the complainant, wherein the admitted signatures of the complainant does not match with the question signatures allegedly signed by the complainant on the aforesaid documents.

7. That further investigation in the present case is still going on and the cancellation report dated 6.9.2019 has been recalled back.”

Learned State counsel has submitted that the grievance of the petitioner that proper investigation is not being conducted is totally misconceived and ill-founded. He has submitted that rather the DCP, Ballabgarh, himself has objected to the cancellation report and the matter is being sent for further investigation on the basis of the FSL report and therefore, no ground is made out for transferring the case to any other

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independent agency in this regard. He has submitted that so far as grievance of the petitioner with regard to threat perception is concerned, the same can certainly be looked into by the concerned police authorities in accordance with law.

I have heard the learned counsel for the parties.

So far as the grievance of the petitioner with regard to transferring investigation of the case to some other independent agency is concerned, the same is devoid of any merits especially in view of the stand taken by the State in its status report. Even after the preparation of cancellation report the same has now been recalled by the police itself and that too on the objection taken by the DCP, Ballabgarh and therefore, it cannot be said that partial investigation has been done.

Consequently, no ground is made out for transferring the case to any independent agency. So far as other grievance of the petitioner with regard to threat to his life is concerned, the same can certainly be looked into.

Learned counsel for the petitioner while referring to Annexure P-2, the representation which the petitioner has submitted to the Commissioner of Police, Faridabad, has submitted that there is danger to the life and property of the petitioner and the accused persons have threatened that in case the petitioner does not compromise the matter, his children may be kidnapped.

Learned State counsel has submitted that he has no objection in case grievance of the petitioner submitted vide Annexure P-2 is

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directed to be looked into by the concerned police authorities in accordance with law.

In view of above, it is directed that the Commissioner of Police, Faridabad, either himself or by deputing some senior police official assess the threat perception of the petitioner and in case required, take appropriate steps to ensure the safety of the petitioner in accordance with law.

Disposed of accordingly.

August 31, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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