

CRM-M-27750-2021 (O&M)

Through Video Conferencing
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-27750-2021 (O&M).
Date of Decision: September 1, 2021.

Chatrapati Mishra

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**PRESENT: Mr.Bhawesh Chaudhary, Advocate,
for the petitioner.**

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

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure, for issuance of appropriate directions to respondent Nos.2 and 3 to transfer the investigation of FIR No.187 dated 19.4.2021, under Sections 323 and 506/34 IPC, registered at Police Station, Palam Vihar, Gurugram, to some independent agency as the petitioner is not expecting fair and impartial investigation at the hands of respondent No.3 i.e. the SHO, Police Station, Palam Vihar, District Gurugram.

Learned counsel for the petitioner has submitted that the

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petitioner who is a poor person was badly beaten up by the accused persons who are very influential and although an FIR was registered against them but, according to the learned counsel for the petitioner, no action was taken by the police in this regard.

This Court on 20.07.2021 had directed that the police to file a status report.

Today, status report has been filed by the Asstt. Commissioner of Police, Gurugram, on behalf of the respondent No.1 - State of Haryana by way of email. Since the matter is being taken up through Video Conferencing, a print out of the same is directed to be taken on record.

Mr. Manchanda, learned Addl. Advocate General, Haryana, while referring to the affidavit filed by the Asstt. Commissioner of Police, Gurugram, has stated that it is a case where the allegations of the petitioner were that when he was coming back from his duty and reached near Rezangla Chowk, then a vehicle arrived from wrong side which hit him and he fell on the ground and thereafter, four persons alighted from the said vehicle and started beating him. FIR under Sections 323 and 506/34 IPC, was lodged against the aforesaid persons i.e. Karambir Malik, Rakesh Kataria and Poonam Kataria and Sonia for attacking the petitioner. Thereafter, when report of the medical officer was received, Section 325 IPC was also added in the present case.

The learned Addl. Advocate General, Haryana, while

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referring to para 4 of the affidavit has stated that investigation of the case was thoroughly conducted and it came forth that on 29.03.2021 which is the date of the occurrence, the accused persons, namely, Poonam Kataria and Rakesh Kataria were with Advocate Priyanka Dagar at some other place in Gurugram from 5 PM to 8 PM and the same was also checked from the aforesaid advocate. Another accused, namely, Sonia was found to be at her house and accused Karmabir Malik was also found with his friend Paramjeet at Rajveev Nagar, Gurugram and said Paramjeet also confirmed his presence with him. However, in order to unearth the truth and to arrive at just conclusion, the call details and location of the above-mentioned accused and the date and time of the same was obtained and the same was found in the area mentioned above. The location of the complainant at the date and time of occurrence was also obtained and the same was not found to be at the place of occurrence i.e. Near Rezangla Chowk, and rather the same was found to be in the area of Udyog Vihar, Gurugram and in view of above, nothing incriminating had come forth so far against the accused persons. He has submitted that the investigation is still going on and in case any incriminating evidence is found, action against accused persons will be taken in accordance with law. He has further stated that the allegations levelled by the petitioner against the police officials are false and baseless and rather the investigation of the case has been conducted fairly and diligently by the police.

I have heard the learned counsel for the parties.

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The basic allegation of the petitioner is that after lodging of the FIR, the police was not conducting the investigation of the case impartially and, therefore, the plea of the petitioner is for transfer of the investigation. However, a perusal of the status report filed by the State shows that there is nothing to suggest that the investigation was not conducted impartially and rather the tower locations of the complainant as well as the accused persons was got verified and as per per status report, at this stage, nothing incriminating material was found against the accused but the investigation of the case is still going on and as per the status report, in case any further incriminating material is found, further action shall be taken in accordance with law.

Therefore, from the facts and circumstances of the present case, no ground is made out for transfer of the investigation to any other agency as prayed by the petitioner.

In view of above, no ground is made out in the present case to exercise the powers under Section 482 Cr.P.C. and consequently, the present petition is hereby dismissed.

September 1, 2021
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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