

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109-A)

CRM-M-28379-2021

Date of Decision : October 27, 2021

Bhoop Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ritu Punj, (Legal Aid Counsel) Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed with a prayer that respondent No.1 be directed to conduct de-novo investigation in FIR No.180 dated 07.05.2020, which has been registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner submits that the FIR has not been investigated properly and as free and fair investigation is not being conducted, the said act is causing prejudice to the petitioner and therefore, the police authorities needs to be directed to conduct a de-novo enquiry into the allegations.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the other hand, submits that as per his instructions, the challan has already been presented in the competent Court of law after due investigation.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the challan has already been presented, the petitioner has an opportunity to raise the objection qua the investigation before the Magistrate where, the challan has been presented keeping in view the provisions of the Code of Criminal Procedure.

Learned counsel for the petitioner concedes the said factum that the petitioner has an opportunity to raise the objections to the challan as well as the procedure adopted by the Investigating Agency during the investigation, before the Magistrate as and when challan is taken up for consideration before the competent Court of law.

That being so, no direction is needed from this Court, as prayed for in the present petition especially when the petitioner has a remedy available with him to raise the said grievance before the competent Court of law as of now.

No ground is made out to grant the prayer to the petitioner as raised in the present petition keeping in view the facts and circumstances of this case, which have been noticed hereinbefore. Petitioner will be at liberty to raise all permissible objections as when challan submitted by the Investigating Agency is taken up for consideration.

Dismissed, with liberty as mentioned hereinbefore.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

October 27, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No