

S.No.105

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

CRM-M-37927 of 2021

Date of Decision:17.11.2021

Ravi Sharma

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Sukhdeep Singh, Advocate for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, the petitioner seeks issuance of the hereinafter extracted directions upon the respondents:-

(a) “directions may kindly be issued to the police officials for transfer of investigation in case FIR No.363 dated 06.07.2016 under Sections 406, 402, 467, 468, 469, 471, 506, 120B IPC (P-1) registered at Police Station Ghraunda District Karnal to independent agency like crime branch, special investigation team so as the investigation of case may be concluded in a time bound manner in the light of pending representation dated 19.4.21 (P-4) and 17.5.2021 (P-5) in a time bound manner;

(b) issue direction to the respondents to protect the life and liberty of the petitioner which is under imminent threat at the hands of nominated accused who are roaming freely in the area”

2. However, for the reasons to be assigned hereinafter, the aforementioned relief cannot be granted to the petitioner. A perusal of the status report discloses, that after completion of investigations, into the offences

(supra), the Investigating Officer concerned has filed a report under Section 173 Cr.P.C before the learned Magistrate concerned, and, thereafter the latter has drawn charges against the accused concerned, and, also subsequent thereto, the adducing of prosecution evidence has opened.

Be that as it may, since some of the persons, who are claimed in to the petition, to also hold an incriminatory role in the offences (supra), and are also stated to be not included in the report filed under Section 173 Cr.P.C. Therefore, hence aspersions are cast upon the fairness of investigations. Nonetheless, the aforesaid grievance becomes mitigated, in the face of the learned State Counsel, making a submission before this Court, that the Investigating Officer concerned, is making investigations into the incriminatory role of the afore-persons, and, upon his discovering clinching incriminatory evidence, against them, he shall through a supplementary challan, to be filed, before the learned Magistrate concerned, detail their names therein, as, incriminatory participants, in the offences (supra). Preeminently hence the afore relief cannot be granted.

Moreover, since along with the reply on affidavit furnished to the petition by the DSP, Karnal, a photocopy of the signed statement of the petitioner, is appended, wherein he has accepted the fairness, and, the impartiality of the investigations conducted into the offences (supra), by the Investigating Officer concerned, therefore, this Court is convinced, that the present petition has become infructuous, and, is disposed of as such.

November 17, 2021
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(SURESHWAR THAKUR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No