

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(108 + 223)

CRM-41957-2021 (O&M)
Date of decision: - 15.11.2021

Sikander Singh Sangwan

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pradeep Virk, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. R.S. Rai, Senior Advocate
with Ms. Rubina Vermani, Advocate
for respondents No.8 to 10.

Mr. R. Kartikeya, Advocate
for respondent No.12.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-36691-2021

Present application has been filed on behalf of applicant-
respondent No.12 for placing on record short reply by way of affidavit
along with accompanying documents as Annexures R-12/1 and R-12/2.

Application is allowed, as prayed for. Reply by way of

affidavit along with accompanied documents (Annexures R-12/1 and R-12/2) are taken on record.

CRM-37632-2021

Present application has been filed on behalf of applicant-petitioner for placing on record rejoinder to the reply filed by respondent No.4 along with accompanying documents as Annexures A-1 to A-8.

Application is allowed, as prayed for. Rejoinder along with accompanied documents (Annexures A-1 to A-8) are taken on record.

CRM-M-41957-2021

Present petition has been filed for issuance of directions to respondent No.1 for transferring of the investigation into the FIR No.283 dated 28.07.2021, registered under Sections 120-B, 406, 420 and 506 IPC, at Police Station Ambala City, Ambala to the Central Bureau of Investigation, keeping in view the facts and circumstances of the present case.

After the issuance of notice of motion, a reply has been filed by the respondent-State giving out the details status of the investigation already conducted and the grievance of the petitioner qua the said investigation, has been placed before this Court by way of rejoinder.

Learned counsel for the petitioner submits that in the present case, the investigation, which has been conducted so far, has been done without appreciating certain aspects of the case, which though brought to the notice of the investigating officer, but have not been taken into consideration while conducting the investigation as well as while submitting the reply before this Court showing the progress/status of the

said investigation. Learned counsel for the petitioner further submits that the petitioner was amazed to see an averment in the reply filed by the State of Haryana stating that on a particular day, the petitioner was associated with the investigation, whereas, the said averment is factually incorrect.

At this stage, learned State counsel submits that conducting a fair and free investigation, without any bias against any one, is the duty of the investigating agency and if the petitioner brings out any factual aspect that the investigation being done is not in a fair and fair manner or any of the material, which is necessary for determining the truth behind the allegations, is not being considered by the investigating officer, to the notice of the respondent No.4, the same will be considered and in case, any intervention is needed by respondent No.4, being the Supervising Authority, the same will be done.

Learned counsel for the petitioner submits that as the prayer of the petitioner is for conducting a fair and free investigation into his allegations, hence, keeping in view the statement of learned State counsel, the petitioner will file a detailed representation before respondent No.4 raising certain aspects to show that investigation is not being conducted properly and probably even the Supervising authority has not been informed about the correct facts by the investigating officer, seeking the intervention of the said authority to ensure the free and fair investigation into the allegations alleged in the FIR.

Learned State counsel submits that in case any representation is received from the petitioner, the same will be looked into by respondent

No.4 and an appropriate action, if needed on the same, will be undertaken within a period of four weeks from the date of receipt of any such representation.

Learned counsel for the petitioner submits that keeping in view the above facts and circumstances, petitioner does not want to press this petition, at this stage and the same may kindly be disposed of as such with the liberty to the petitioner to approach the respondent No.4 by filing an appropriate representation raising his grievance qua investigation being undertaken in respect of FIR in question.

Proposal noticed herein before is also not objected to by learned Senior counsel appearing on behalf of respondents No.8 to 10.

It is made clear that in case any representation is filed by the petitioner, the respondents-State will be bound by their statement recorded herein before and the said representation will be considered and decided within a period of four weeks by respondent No.4 as undertaken by learned State counsel and in case it is found that any supervising interference is needed into the investigation at the hands of respondent No.4, appropriate action be also undertaken without any delay so as to ensure the free and fair investigation into the allegations.

Present petition stands disposed of, having been not pressed with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

November 15, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No