

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

CRM-M No. 42116 OF 2021

Date of Decision: October 07, 2021.

Nirmala

..... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM:- HON'BLE MR.JUSTICE SANT PARKASH

Present: Mr. C.R.Narwal, Advocate
for the petitioner.

Sant Parkash, J (Oral)

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned report (P-8) submitted by respondent No.5-Superintendent of Police, Panipat on the direction of respondent No.2-Director General of Police, Haryana with a further prayer for registration of a criminal case against respondents No.6 to 9 in a matter arising out of FIR No.732 dated 06.08.2017, under Section 304B/34 IPC, registered at Police Station Chandni Bagh, District Panipat.

Brief facts necessary for adjudication of the matter are that, daughter of the petitioner, namely, Rakhi, was married with one Manish Kumar son of Karamvir. However, she was harassed and tortured by her in-laws on account of dowry. It is alleged that petitioner's daughter, Rakhi died on 06.08.2017 due to the injuries caused by her husband Manish, Karamvir (father-in-law) and Santosh (mother-in-law) while Rakhi was pregnant. On the statement of Azad Singh, father of the deceased, an FIR No.732 dated 06.08.2017 (P-1) was registered under Sections 304B/34 IPC at Police Station

Chandni Bagh against the accused persons. It is alleged that the investigation was not carried out in a proper manner by respondent No.8 as the final report/challan under Section 173 Cr.P.C. was presented only against accused-Manish whereas parents-in-law of the deceased were illegally declared innocent during the course of enquiry. However, learned trial court while allowing the application under Section 319 Cr.P.C. moved by the prosecution/complainant summoned the parents-in-law of the deceased as an additional accused to face trial.

The petitioner moved an application before respondent No.3 for initiating criminal and departmental proceedings against respondents No.6 to 9 for not conducting the investigation in a fair and proper manner, indulging in corrupt practices and for not contesting the bail application of the accused. Respondent No.5-Superintendent of Police, Panipat conducted an enquiry into the allegations raised against respondents No.6 to 9 in the application. On the basis of enquiry conducted by respondent No.5, respondent No.4 submitted his report vide Annexure P-8 while finding the allegations against respondent No.6 to 9 false. Aggrieved therefrom, the present petition has been filed.

I have heard the learned counsel for the petitioner and perused the case file.

The grievance raised in the present petition is that the entire investigation conducted by respondents No.6 to 9 was tainted as only on the basis of affidavits of the neighbours, the parents-in-law of the deceased were not challaned and were kept under column No.2.

This submission of learned counsel for the petitioner has no legs to stand. Admittedly and evidently, when the parents-in-law of the deceased were

not challaned, an application was moved by the prosecution/complainant invoking the provisions of Section 319 Cr.P.C. and the learned trial Court, after appreciating the evidence collected during the course of investigation and appearing before it, passed the order for summoning of the parents-in-law of the deceased. In the given circumstance, the remedy available to the present petitioner has already been availed and the parents-in-law of the deceased have already been summoned and, therefore, it does not lie in the mouth of the petitioner that any injustice has been done to him.

Learned counsel for the petitioner has nextly argued that the respondent No.8-Investigating Officer did not oppose the bail application and the learned trial Court was compelled to release the parents-in-law of deceased on bail despite the fact that recoveries were yet to be effected and their custodial interrogations were required.

Even this submission does not carry any conviction with the Court. The granting or refusing of the bail whether anticipatory or regular is the domain of the Court concerned and the prosecution or the defence has the role of presenting their case. The learned trial Court, in its wisdom, must have thought it appropriate to grant the anticipatory bail to the parents-in-law of the deceased and if the petitioner was aggrieved by the said order of granting the anticipatory bail, she was well within her rights to take recourse to the legal remedy available under the law.

Learned counsel for the petitioner has also laid much stress on the argument that the practice of conducting the parallel proceedings/investigation by the police authorities has been deprecated by this Court in **CRM-M**

No.16013 of 2020 (Pankaj Kumar @ Panki Vs State of Punjab and another), decided on 18.03.2021. Taking the Court through the enquiry report (P-8), he has tried to convince that the police authorities exceeded its jurisdiction and submitted a false and fabricated report exonerating respondents No. 6 to 9, who acted in malafide and partial manner.

After having heard, even this submission is unable to cut much ice. Glancing through the paper-book, it would be revealed that enquiry was initiated at the instance of the complainant himself with regard to the alleged dishonest act and conduct of respondents No.6 to 9 in conducting the investigation in the aforesaid FIR. The parallel enquiry was not initiated by the police itself and therefore, it can be safely said that the observations of this Court recorded in **Pankaj Kumar's** case (supra) are not applicable to the facts and circumstances of the present case.

Otherwise also, the trial is already in progress. The trial Court, after evaluating the material placed before it, had already summoned the parents-in-law of deceased as additional accused to stand the trial along with the main accused. The investigation had already been completed by the police and this Court feels that there is no ground to interfere at this stage as the learned trial Court is bestowed with wide powers to do complete justice to the parties by resorting to various provisions as enumerated under the Code of Criminal Procedure. If any lapse or malpractice is noticed by the learned trial court during the course of trial in conducting the investigation, directions can be issued for initiating any departmental or criminal proceedings against the defaulting police officials.

In view of the above-said discussions, there is no merit in the present writ petition and accordingly, the same is dismissed.

07.10.2021
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO