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

CRM-M-7754-2022

Date of Decision: February 23, 2022

J (name of the prosecutrix withheld)

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Abhimanyu Singh, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 482 Cr.P.C. praying for issuance of direction to the official respondent Nos.1 to 3 to conduct free, fair and impartial investigation in case FIR No.26, dated 12.01.2022, under Sections 376(2)(n), 323, 506, 509, 34 IPC, registered at Police Station Tehsil Camp Panipat, District Panipat, or to transfer the investigation of the FIR to some higher superior officer not below the rank of Superintendent of Police or to any other independent agency.

It has been contended by learned counsel for the petitioner that accused is Head Constable in Haryana police and is serving in the same District and prosecutrix is of the apprehension that he will affect the fair investigation.

Notice of motion.

On the asking of the Court, Mr.B.S.Virk, DAG, Haryana, accepts notice on behalf of the official respondents and has stated that the case is under investigation.

Heard.

There is mere apprehension in the mind of the petitioner that the accused, who is a Head Constable in Haryana Police, may affect the investigation. Present FIR was registered on 12.01.2022 and investigation is at the initial stage. Hence, prayer of the petitioner, which is based on mere apprehensions, cannot be accepted. Therefore, the present petition being devoid of any merit is hereby dismissed.

February 23, 2022
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(**RAJESH BHARDWAJ**)
JUDGE

1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

Yes/No
Yes/No