

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

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**CRM-M-20205-2018 (O&M)
Date of decision: 06.07.2022**

Manish Bhardwaj

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

Mr. Rahul Deswal, Advocate for respondent No. 4.

Mr. Rajeev Anand, Advocate for respondent No. 5-CBI.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for transfer of investigation in case bearing FIR No. 448 dated 29.07.2017, registered under Sections 323, 384, 506 IPC registered at Police Station Sector-5, Gurugram, District Gurugram, to Special Investigation Team headed by a Senior Police Officer or by the Central Bureau of Investigation or by some independent agency, as respondent No. 4 is posted as Deputy Superintendent of Police and is a very influential person.

There is no representation on behalf of the petitioner.

Learned counsel have drawn the attention of this Court toward the reply submitted by the Assistant Commissioner of Police, Udyog, Gurugram (already available on record), wherein it has been specifically stated that Rajesh Kumar Hooda and Devi Lal were not arrested, as no incriminating evidence came forth against them. They further brought to the notice of this Court that on 03.10.2017, Sections 420, 467, 468 and 471 were

added in the FIR on the basis of the statement of Notary and Challan was presented on 05.11.2017 and the supplementary Challan was presented on 08.03.2018 and the trial is pending.

I have heard the learned State counsel as well as learned counsel for respondent No. 4 and respondent No. 5-CBI.

As per the order dated 25.03.2022 passed by a Coordinate Bench in CRM-M-31459-2019 titled as Chaman Lal Vs. State of Punjab and others, if the challan is presented, no order can be passed to hand over the investigation to some other agency.

Since the Challan and supplementary Challan have already been presented, no case is made out to transfer the investigation to any other investigating agency.

In view of the above, the present petition is dismissed.

06.07.2022
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No