

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

CRM-M-2393-2017 (O&M)
Date of Decision:- 9.3.2022

Narender Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ankit Mittan, Advocate for
Mr. Keshav Pratap Singh, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners approached this Court seeking issuance of directions to constitute a Special Investigating Team (SIT) and transfer further investigation to SIT or in the alternative to transfer the investigation of the case to Central Bureau of Investigation (CBI).
2. The learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case i.e. FIR No. 231 dated 30.9.2016 registered under Section 315 IPC and Sections 3, 4 of the MTP Act, 1971, Section 22 of the NDPS Act and Sections 18-A, 18-C of the Drugs Cosmetic Act, 1940 at Police Station Naraingarh, District Ambala and that the falsity of the case would be evident from the fact that the main accused from whom recovery had been effected has been discharged by the trial Court. It has further been submitted that the audio-conversation between the Investigating

Officer and petitioner No. 1 (annexed with the petition as Annexure P-5) would clearly indicate that the petitioners have been falsely implicated.

4. On the other hand, the learned State counsel has submitted that the matter is at its fag end before the trial Court inasmuch as all the prosecution witnesses stand examined and that the matter is now fixed on 10.3.2022 for recording defence evidence.
5. In view of the aforestated position, this Court does not find any ground for constituting SIT or to transfer investigation of the case to the CBI at this belated stage. The petition, as such, is dismissed. However, the petitioners would be at liberty to raise all the pleas as have been raised herein before the trial Court at the stage of final arguments. The petitioners would also be at liberty to lead evidence, which may include the alleged audio-conversation (Annexure P-5), subject of course, to its authenticity and admissibility.
6. The petition stands disposed of accordingly.

9.3.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No