

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

114

**CRM-M-28226-2018 (O &M)
Date of Decision: 26.07.2022**

HAKAM SINGH

....PETITIONER

Versus

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Tarunveer Vashist, Advocate
for the applicant-petitioner.

Mr. P.P.Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

CRM-15822-2022

The application for early hearing is allowed and the main case i.e. CRM-M-28226-2018 is taken up for hearing today itself.

Main case

1. Through the instant petition cast under Section 482 Cr.P.C., the petitioner prays for a mandamus, being made, for transferring investigations in respect of FIR No.376 dated 13.05.2018, registered at Police Station Assandh, District Karnal, to a probing agency, other than the one, which is now conducting them.

2. The instant petition was instituted before this Court, in the year 2018, and this Court may have proceeded to accept the above prayer, if there was prima facie material existing on record, suggestive that tainted, and, slanted investigations are being conducted into the petition FIR, but, it is stated at the bar, by the learned State Counsel, that the investigations are complete, and, that the investigating officer concerned, has instituted a cancellation report, before the learned

Judicial Magistrate concerned.

3. Consequently, when the investigations are complete, resulting in the above institution of a cancellation report, before the learned Judicial Magistrate concerned, thereupon, the above made prayer, in the instant petition, does not survive, as it would have survived only, when the investigations were pending, and or, were underway, and, would not survive, if they have ended and closed.

4. Therefore, the instant petition is dismissed, as becoming for the above reason, rendered infructuous, but with liberty to the petitioner to raise a protest before the learned Judicial Magistrate concerned, against the acceptance of the cancellation report, as becomes preferred before the later, by the investigating officer concerned.

(SURESHWAR THAKUR)
JUDGE

26.07.2022
kavneet singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No