

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

116

CRM-M-23012-2022 (O&M)

Date of Decision: 25.05.2022

JASWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ankit Rana, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks issuance of directions to official respondents to conduct a proper and fair investigation in FIR No.23 dated 13.03.2022, under Sections 365, 302, 34 IPC and Sections 25 and 27 of the Arms Act, 1959, Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner is the father of Manpreet Singh, who is an accused in the above noted FIR.

I have heard the learned counsel for the petitioner.

It is not disputed by the learned counsel for the petitioner that the petitioner is the father of accused-Manpreet Singh. The petitioner being the father of the accused in the above-noted FIR cannot pray for any direction and may approach the concerned Court for his grievance, if any. The accused or his family member cannot choose as to which way the investigating agency must work and cannot be allowed to hijack the

proceedings.

The Hon'ble Apex Court in the case of Romila Thapar and others vs Union of India and others, 2018 (10) SCC 802, has held as under:-

“21. Turning to the first point, we are of the considered opinion that the issue is no more res integra. In Marnada Bai vs State of Gujarat and other, 2011 (5) SCC 79, in paragraph 64, this Court restated that it is trite law that the accused persons do not have a say in the matter of appointment of Investigating Agency. Further the accused persons cannot choose as to which investigating agency must investigate the offence committed by them. Paragraph 64 of this decision reads thus:-

64. It is trite law that accused persons do not have a say in the matter of appointment of an investigation agency. The accused persons cannot choose as to which investigation agency must investigate the alleged offence committed by them.”

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

25.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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