

117

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

CRM-M-28041-2022

Date of decision : 04.07.2022

Kanta Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to respondent Nos.1 to 4 to transfer the investigation in FIR No.583 dated 20.08.2021 registered under Section 302 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Hansi City, District Hisar to some Senior Officer not below the rank of Superintendent of Police, or get the investigation conducted through some Independent Agency or CBI.

Learned counsel for the petitioner has submitted that the petitioner has given a representation dated 26.03.2022 (Annexure P-2) to respondent No.2 in which, it has been stated by the petitioner that her husband was shot dead in broad daylight on 20.08.2021 in front of his shop

and even the cremation of her husband was done at the maternal uncle's place on account of fear and the abovesaid FIR was registered for the offence of murder and when the police checked the CCTV Footage, then, they found two accused but no action has been taken by the police and false assurances have been given by the police and on account of fear of the accused persons, the petitioner, her mother-in-law and son are having stay at their maternal uncle's home.

Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case, the present petition is disposed of with direction to respondent No.3-Superintendent of Police, to look into the representation dated 26.03.2022 (Annexure P-2) and after considering the allegations levelled in the same, to take appropriate action in accordance with law within a period of one month from today.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondents and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.3-Superintendent of Police, looks into the representation dated 26.03.2022 (Annexure P-2) and after considering the same, takes appropriate action in accordance with law.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.3-Superintendent of Police, to look into the representation dated 26.03.2022 (Annexure P-2) and after considering the allegations levelled in the same, to take appropriate action in accordance with law as expeditiously as possible

preferably within a period of one month from today.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.3 to make his independent enquiry/assessment with regard to the representation.

In view of what has been observed above, the present petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

04.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No