

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

108

CRM-M-29258-2022
Date of Decision: 12.07.2022

JANTA SINGH

....PETITIONER

Versus

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.S.Mamli, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. To the instant petition cast under Section 482 Cr.P.C., the petitioner craves for a mandamus, being made upon the respondents concerned, to transfer the investigations, into the petition FIR, from the Agency which is instantly conducting it, to either the CBI, or, to the Crime Branch.

2. The above made prayer was open to be accorded to the petitioner, if the investigations were still in progress, and, if cogent material became adduced before this Court, suggestive of the fact that tainted, and, slanted investigations are underway, in respect of the petition offences. Contrarily, in case the investigating agency concerned, after conclusion of the investigations, either preferred a report under Section 173 Cr.P.C. before the court concerned, or, had chosen to file a cancellation report, thereupon, obviously, when the investigations have ended, hence but as a natural

Corollary, there cannot be any order by this court for the investigations

becoming transferred from the investigating agency which conducted them, rather to some other independent agency.

3. On consideration of an averment carried in paragraph 12 of the petition, that after the conclusion of the investigations, into the petition FIR, the investigating agency has chosen to prefer cancellation report before the Magistrate concerned, therefore, obviously, when the investigations into the petition FIR, have ended, as such, as stated above, the prayer made in the petition cannot also become accorded to the petitioner.

4. In the wake of the above, the remedy as available to the petitioner is comprised in his instituting an objection before the court concerned, against the acceptance of the cancellation report, and, also, he can, before the Court concerned, make a prayer that the investigations, as became conducted into the petition FIR, and, resulted into the institution of a closure report, rather being a sequel of slanted, and, tainted investigations, and, that further investigations as may become ordered by the court concerned, be directed to be made by any agency other than the one, which previously conducted them.

5. With the above observations, the petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

12.07.2022
kavneet singh

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