

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CRM-M-29146-2022

Date of Decision:11.07.2022

Sher Khan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

**Present: Mr. Farukh Abdullah, Advocate for
Mr. Khalid Tauru, Advocete,
for the petitioner.**

VINOD S. BHARDWAJ , J.(Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of directions to official respondent Nos.1 to 4 for conducting a fair and impartial inquiry in FIR No.262 dated 18.05.2022 under Sections 148, 149, 323, 452, 506 of the Indian Penal code (the offence under Section 302 IPC was added later on), registered at Police Station Sadar Nuh, District Nuh (Mewat) with a further direction to the official respondents to arrest the accused persons who have been arraigned as respondent Nos.5, 6, 7, 10 and 11 as only two persons arraigned as accused, namely, respondent Nos.8 and 9 have been arrested so far.

In so far as the prayer made by the petitioner for issuance of directions to the respondents to arrest respondent Nos.5, 6, 7, 10 and 11 is concerned, the same cannot be issued as it is the prerogative of the Investigating Agency whether to seek custodial detention or arrest of an

accused/suspect or not. This Court should not ordinarily, in exercise its jurisdiction under Section 482 Cr.P.C., direct/arrest of any person.

In so far as the prayer for fair and impartial investigation is concerned, there is no allegation against the Investigating Agency or any person who is carrying out the investigation of being unfair, partisan or lacking in his conduct. In the absence of any such allegation against the Investigating Agency or the investigating officer, such an apprehension is found to be misplaced. Seemingly the present petition has been filed in an attempt to pressurize the Investigating Agency to tighten its noose around the suspects nominated by the petitioner.

The present petition is accordingly dismissed.

July 11, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No