

CRM-M-29990-2022

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

CRM-M-29990-2022 (O & M)

Date of decision:15.11.2022

Ramesh and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K.Verma, Advocate,
for the petitioners.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek issuance of directions to respondent No.1 to hand over investigation of case bearing FIR No.83 dated 06.03.2022, registered at Police Station Civil Line Kaithal, District Kaithal, to some independent agency or some higher police official not below the rank of Inspector General of Police as respondents No.3 and 4 have falsely implicated the sons of the petitioners in the aforesaid FIR and have given safe exit to the actual culprits i.e. liquor contractor, who had fired shot at the sons of the petitioners and other employees.

Reply dated 12.11.2022, by way of affidavit of the Deputy Superintendent of Police (AEC), Kaithal, has been filed in the Court today. The same is taken on record.

I have heard the learned counsel for the parties.

A perusal of the reply would show that the sons of the petitioners are accused in the above-noted FIR. As such, the petitioners

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cannot pray for any such direction and may approach the concerned Court for their grievance, if any. The accused or his/her family member(s) 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, this Court does not find any merit in the present petition.

Dismissed.

15.11.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No