

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 31508 of 2022

Date of Decision: 22.7.2022

Nirmal Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Arvinder Arora, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 482 Cr.P.C., the petitioner claims for the making of a mandamus, upon the respondents concerned, to transfer the investigations of the petition FIR, from Head Constable Manjit Singh, Police Station Naraingarh, to some other police officer.

2. The reason for the above mandamus, being asked for, is rested, upon the factum, that the above police officer is in connivance with the accused, in the petition FIR, and, that he is deliberately avoiding to get the narco test, being made, upon the accused, especially when it would result in unearthing the truth of the allegations, as made in the petition FIR.

3. The above made prayer could have been accepted by this Court, only when the investigations were not concluded, and, or were underway, but since it is stated, at the bar, by the learned State counsel, that the investigations into the petition FIR, have concluded, and, thereafter the investigating officer

concerned, has filed an untraced report, before the learned Magistrate

concerned. Consequently, the above made prayer cannot be accepted, and, is declined at this stage.

4. However, if the learned Magistrate concerned, has rejected the untraced report, and, has thereafter ordered for further investigations, being made into the petition FIR, thereupon, it is yet open to the counsel for the petitioner to move an application before the learned Magistrate concerned, that the further investigations into the petition FIR, be not made by the Head Constable Manjit Singh, Police Station Naraingarh but be made by some other officer not below the rank of a Deputy Superintendent of Police.

5. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

July 22, 2022
Gurpreet

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