

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

CRM-M-34394-2022 (O&M)
Date of Decision: 04.08.2022

Harpreet Singh @ Jani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.K. Chawla, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

CRM-27800-2022

Allowed as prayer for.

CRM-M-34394-2022 (O&M)

Through the present petition, the petitioner seeks issuance of directions to the Director, CBI and the Inspector General of Police, CBI, Chandigarh Zone, Chandigarh to reinvestigate FIR No. 25 dated 25.02.2021 registered under Section 21 of the NDPS Act, at Police Station, Sadar, Faridkot.

Learned counsel for the petitioner would submit that as a matter of fact, the alleged contraband has been planted upon the petitioner by the family members of Manpreet Kaur in connivance with the police officials concerned, in order to take revenge for him having married Manpreet Kaur; that the petitioner and said Manpreet Kaur, had performed marriage on 29.07.2019 against the wishes of their family members; that as the petitioner and said Manpreet Kaur, had been receiving continuous life threats, they filed a protection petition before the learned Sessions Judge, Faridkot and in the said case, Kuldeep Kaur, mother of said Manpreet Kaur and Jasvir Singh

and Baljit Singh, maternal uncles of said Manpreet Kaur, suffered statements on 02.08.2019 that they would not extend any threat to the petitioner and Manpreet Kaur and that they be granted 20 days' time to solemnise their marriage and gave an undertaking before the Court that they would produce Manpreet Kaur before the Court on the next date of hearing. It is further submitted that after the said statements having been suffered by the mother and the maternal uncles of Manpreet Kaur, she too made a statement before the Court that as her mother and maternal uncles had assured that they would perform her marriage with the petitioner, she was ready to accompany her mother.

Learned counsel for the petitioner further submits that very interestingly, on 22.08.2019, when the matter came up for hearing before the learned Sessions Judge, Faridkot, Manpreet Kaur made a statement that she did not want to proceed with the matter and accordingly, sought withdrawal of the petition and that faced with that situation, the petitioner had to make a statement that in view of the statement made by Manpreet Kaur, he too did not want to proceed with the said petition.

The petitioner has in para No.17 has alleged the involvement of various police officials in his false implication. Besides, learned counsel also submits that there is an utter non compliance of the mandatory provisions of the NDPS Act.

I have heard the learned counsel for the petitioner.

It is a case in which recovery of 1500 intoxicant tablets was effected from the petitioner, which is commercial in nature. The allegations levelled in the present petition are no ground to grant the prayer of the petitioner, when the very investigation in the case is into process and still further, the FSL report is yet awaited. Of course, it

would be open to the petitioner to raise all these pleas before the trial Court, but in the opinion of this Court, no case is made out for transfer of the investigation to the Central Bureau of Investigation.

The Hon'ble Apex Court in Rhea Chakraborty Vs. State of Bihar and others, 2020 AIR (Supreme Court) 3826, has held that the transfer of investigation cannot be a routine occurrence and it is not for the accused to choose the investigating agency. It was held as under:-

“13. Transfer of investigation to the CBI cannot be a routine occurrence but should be in exceptional circumstances. One factor which however is considered relevant for induction of the Central Agency is to retain "public confidence in the impartial working of the State agencies", as was recently reiterated for the Bench by Justice Dhananjaya Y. Chandrachud, in ***Arnab Ranjan Goswami v. Union of India 2020 SCC Online SC 462***. It is also the consistent view of the Court that it is not for the accused to choose the investigating agency. In the instant case, political interference against both states is alleged which has the potential of discrediting the investigation. The legal process must therefore be focused upon revelation of the correct facts through credible and legally acceptable investigation. It must be determined whether the unnatural death was the result of some criminal acts. In order to lend credibility to the investigation and its conclusion, it would be desirable in my view, to specify the authority, which should conduct the investigation in this matter.”

I do not find that there exists any exceptional circumstance to grant the prayer made by the petitioner. Rather, as

observed above, the petitioner, if so advised, may raise all pleas and lead evidence regarding his innocence before the trial Court, at appropriate stage.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

04.08.2022
ds

(HARNARESH SINGH GILL)
JUDGE

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