

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

116

**CRM-M-54405-2021
Date of Decision: 05.01.2022**

AnandPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jai Bhagwan, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., learned counsel is impugning the order dated 16.01.2020 (annexed as Annexure P-2), passed by the learned trial Court, vide which an application moved by the petitioner seeking directions to the police to conduct his Lie Detector Test and medical examination of the victim, aged 5 years, by the Board of Doctors, was dismissed.

Learned counsel for the petitioner, at the outset, submitted that he would not press for conducting the medical examination of the victim by a Board of Doctors, however, he would press for the lie detection test to be carried out upon the petitioner, as he was innocent and it would be essential for appropriate adjudication of the case.

Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner for allegedly sexually assaulting the victim, aged 5 years, by inserting a finger in her vagina.

Heard and perused the impugned order.

This Court does not find any perversity, much less, illegality in the impugned order dated 16.01.2020 (Annexure P-2), vide which the prayer of the petitioner for conducting the lie detection test was declined. It cannot be overemphasized that investigation falls within the exclusive domain of the investigating agency and a Court cannot step into the shoes of the investigator. This Court thus, cannot order the mode and method of how the investigating agency has to carry out the probe in a case. The Court can only evaluate the evidence which is gathered by the investigating agency during investigation.

In the circumstances, the petition being devoid of merits, stands dismissed.

January 05, 2022
J.Ram

(MANJARI NEHRU KAUL)
JUDGE

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