

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56088-2022 (O&M)
Date of decision: 06.12.2022

Subhash Singh

... Petitioner

Vs.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anil Mehta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transferring the investigation of FIR No.0259 dated 18.10.2022 under Sections 120-B, 384, 506, 511 IPC, registered at Police Station Sector-9, Ambala City to some other district in the State of Haryana except Ambala, with a further prayer to get the matter investigated from an SIT.

Learned State counsel, assisted Mr. Rajat Gulia, DSP, Radaur, has placed on record copy of the order dated 22.10.2022 passed by the Addl. Director General of Police, Ambala Range, Ambala Cantt, which reads as under: -

“A Special Investigation Team under the personal supervision of SP Ambala consisting of following officers/officials is hereby constituted for further investigation of case FIR No.259 dated 18.10.2022 u/s 195/195-A/384/506/511/120-B IPC PS Sector-9 Ambala and case FIR No.77 dated 26.03.2022 u/s 376(2)(n)/323/379-B/506 IPC and 3(1)(r)(s)(w) Act, Sections 7/8/12/13 of PC Act (added on 03.12.2022) PS Women Yamuna Nagar:

- 1. Shri Rajat Gulia, HPS, DSP Radaur (Head of SIT).*
- 2. Inspr Sandeep Kumar No.A/18, Incharge CIA-2 Ambala (Member).*
- 3. SI Jaswinder Singh No.179/AMB-District Ambala (Member).*
- 4. ASI Raj Kumar No.402/YNR-District Yamuna Nagar (Member).*
- 5. L/ASI Suman Lata No.173/AMB-District Ambala (Member).*

SP Ambala is hereby directed to get both the cases investigation under his personal supervision and send fortnightly progress report to this office.”

Learned counsel for the petitioner submits that in fact, the petitioner is an official of the rank of Inspector and inquiry should be marked to an officer outside Ambala and SIT should be supervised by some senior officer.

In reply, learned State counsel submits that investigation may be

transferred to an SIT to be supervised by Inspector General of Police, Karnal Range, Karnal for conducting the investigation in both FIRs i.e. present FIR No.259 and FIR No.77 dated 26.03.2022 under Sections 323, 376(2)(n), 379-B, 506 IPC, registered at Women Police Station Yamunanagar.

In view of the aforesaid statement made by learned State counsel, learned counsel for the petitioner submits that he has no objection, if the investigation is transferred to District Karnal, to be conducted under the supervision of Inspector General of Police, Karnal Range, Karnal.

Accordingly, this petition is disposed of. The Inspector General of Police, Karnal Range, Karnal is directed to form a fresh SIT for conducting the investigation, to be headed by an officer not below the rank of Superintendent of Police, in accordance with law.

[ARVIND SINGH SANGWAN]
JUDGE

06.12.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No