

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

109

CRM-M-1368-2023

Date of decision: 11.01.2023

Gulab Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Goyat, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking issuance of directions to the official respondents No.3 to 7 for handing over the investigation of FIR No.302 dated 22.10.2022 registered under Sections 148, 149, 323 and 506 of the IPC at Police Station Badhra, District Charkhi Dadri, to other independent investigating agency or appoint a higher police official in the rank of at least Deputy Superintendent of Police for carrying out further investigation in the FIR in question.

Learned counsel for the petitioner, who is also the complainant of the FIR in question, submits that subsequent to the occurrence in question on 22.10.2022 at 10:00 A.M., the FIR in question was registered against as many as 33 accused wherein not only a vivid account of the crime in question was detailed including the lethal weapons which the accused were carrying with them, however, the official respondents had failed to carry out fair and impartial investigation. It is further submitted that the applications (Annexures P-

5 to P-9) were also given in the said regard to the official respondents, however, it had failed to yield any positive response from the official respondents. Learned counsel submits that in the circumstances, moreso, since all the 33 accused were roaming around freely, the investigation of the case in question required to be handed over to some other independent agency.

Notice of motion.

On asking of the Court, Mr. Chetan Sharma, AAG, Haryana, accepts notice on behalf of the official respondents.

Learned State counsel on instructions has vehemently controverted the submissions made by the counsel opposite and submitted that a thorough investigation was carried out subsequent to the registration of the FIR in question. He submits that the report under Section 173(2) of the Cr.P.C. also stands presented against most of the accused who were found to be involved in the crime in question.

I have heard learned counsel for the parties and perused the relevant material on record.

Since challan already stands presented against the accused in the Court, the prayer of the petitioner for issuance of directions for handing over investigation to some other independent agency, deserves to be declined.

Before parting, it would not be out of context to reiterate that investigation falls within the exclusive domain of the police and every investigation need not always necessarily culminate in the arrest of the accused. In case, the petitioner is still aggrieved that all the accused persons have not been challaned, there is nothing which stops

him from availing the alternative remedies available to him under the provisions of law.

Accordingly, the instant petition is dismissed.

11.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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