

In the High Court of Punjab and Haryana at Chandigarh

120

CRM-M-10065 of 2023

Date of Decision: 24.02.2023

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---Petitioner

versus

State of Haryana and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Pratham Sethi, Advocate
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition under Section 482 Cr.P.C., is seeking direction to official respondents No. 2 to 4 for conducting free, fair and impartial investigation in FIR No. 705 dated 18.12.2022, under Sections 120-B, 323, 354-A and 376 IPC, registered at Police Station City Sonapat, Haryana.

Learned counsel for the petitioner inter alia contends that investigating officer is not conducting free and fair investigation in the aforesaid FIR. Respondents No. 5 and 6 are freely roaming and police is not arresting them.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of respondent-State.

Learned State counsel, on instructions from L/ASI Sonia,

submits that son of respondents No. 5 and 6 stands arrested and challan stands presented against him. The police has not found respondents No. 5 and 6 guilty of commission of alleged offence, thus, police has not arrested them.

The question of investigation lies within compass of the police authorities. The Court has no right to ask the police authorities to investigate a particular matter in a particular manner and further to ask police authorities to arrest someone unless and until the Court finds that there is grave miscarriage of justice or misuse of process of law on the part of police authorities.

In the case in hand, police has already arrested the accused and challan stands presented. This Court does not find any ground to ask the investigating officer to arrest respondents No. 5 and 6. The petitioner has right to raise his grievance before the police authorities in case of any threat perception. The police authorities are expected to look into representation of the petitioner wheresoever there is any threat perception.

The Court is sanguine of the fact that police would look into representation of the petitioner and do the needful.

Petition stands disposed of accordingly.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No