

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

212

CRM-M-23098-2023 (O&M)

Date of Decision: 19.05.2023

Sandeep Yadav and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Arun Gupta, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

1. The instant petition under Section 482 Cr.P.C. was moved before this Court seeking a direction to respondent No.2 for taking fair and partial enquiry by some independent agency headed by an officer not below the rank of SP/DSP in case FIR No. 20, dated 02.02.2023 under Sections 406, 420, 120-B of IPC registered at Police Station Sector 20, Panchkula.

2. On the previous date of hearing, this Court vide order dated 08.05.2023 called upon the respondent No.2 to look into the matter and file an affidavit with regard to the final outcome of the investigation at least three days prior to the next date of hearing, failing which, he was ordered to remain present in Court to explain as to why unwarranted delay has taken place and the documents submitted by the petitioners are not being taken on

record to complete the investigation.

3. A reply by way of an affidavit of Sh. Sumer Partap Singh, IPS, Deputy Commissioner of Police, Panchkula has been filed on behalf of respondents No. 1 to 4, wherein categorically it has been stated that the documents submitted by the counsel for the petitioners comprise of Whatsapp chats, which needs to be verified and their authenticity to be examined by sending the same to the Forensic Laboratory and qua that a notice was issued on 15.05.2023 to petitioner No.1, the complainant and to Leena Rana to appear before the Investigating Officer on 16.05.2023 and submitting their respective mobile phones in facilitating the same in furtherance of their investigation.

4. It has been informed to this Court today, on instructions from Inspector Sh. Arun Kumar, Sector-20, Panchkula, who is a Member of the Special Investigating Team, constituted vide order dated 15.05.2023, submits that the petitioners did come present on 16.05.2023 to hand over their mobile phones and in fact such conduct of the petitioner alone is delaying the investigation further.

5. The status report filed today before this Court summarizes particularly from para 16 to 18, which reads as under :-

“16. Furthermore, on 15.05.2023, the deponent vide order Sr. No. 53743-451 dated 202315.05.2023 has constituted an SIT to conduct fair and impartial investigation in present case. SIT is headed by Sh. Kishori Lal, ACP, Zone-III, Panchkula has SHO, P.S. Sec-20/PKL and ASI Desh Raj No. 135/PKL, P.S. Sec-COL AS CHAMAL Advocate Panchkula PKL as its members. It

is pertinent to mention here that the investigation will be conducted in utmost fair and impartial manner.

17. That now the investigation is being conducted and the persons who are allegedly named in the whatsapp chats are to be examined and their statements have to be recorded.

18. That the bank account details of the complainant as well as the petitioners has also to be verified and corroborated by perusing the bank records as well as recording the statements of the bank officials.

6. A perusal of the aforesaid contents from the status report also make it evident that the petitioner need to cooperate with the Investigating Agency so that it can reach to a logical conclusion and for that he is directed to join the Investigating Officer and to hand over the mobile phone and other bank accounts details which needs to be verified and corroborated after recording the statements of Bank officials on 21.05.2023 at 10:00 A.M.

7. However, in case of not doing so on behalf of the petitioner, the remedies available to the State may be exercised in accordance with law, which this Court may refrain from advising in this order.

8. In the light of the aforesaid discussion and the status report filed on behalf of respondents No. 1 to 4, this petition does not survive wherein petitioners themselves are at fault for delaying the investigating process and needed a specific direction from this Court to join investigation and cooperate therein to provide the information, whatsoever, has been sought by the Special Investigating Team constituted by the State on

15.05.2023.

9. Petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

19.05.2023
Satyawar

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No