

**233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44741-2021(O&M)

Priyanka

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CRM-M-59972-2022 (O&M)

Decided on: 01.06.2023

Kirti

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Vijay Pal, Advocate and
Mr. Ishaan Bhardwaj, Advocate, for the petitioner in
CRM-M-44741-2021 and
for respondent No.9 in CRM-M-59972-2022.

Mr. Vineet Kumar Jakhar, Advocate, for the petitioner in
CRM-M-59972-2022 and
for respondent No.11 in CRM-M-44741-2021.

Mr. Kirpal Singh Thakur, Asstt Advocate General, Haryana.

Mr. Varun Veer Chauhan, Advocate, for respondent No.12
in CRM-M-44741-2021.

Mr. Balraj Singh Dhull, Advocate, for respondent No.10.

Mr. Balkar Singh, Advocate.

Rajesh Bhardwaj, J.

This order will dispose of two above-said petitions as same
have arisen out of the same FIR.

CRM-M-44741-2021 has been filed by petitioner-complainant,
namely, Priyanka, impugning the order dated 04.10.2021, whereby, the FIR
No.76, dated 22.09.2021, registered under Sections 323, 342, 354, 377, 406,
498-A, 506, 34 IPC, at Women Police Station Charkhi Dadri was
transferred to District Bhiwani for further investigation.

Whereas, CRM-M-59972-2022 has been filed by Kirti one of the accused seeking transfer of the above-said FIR from Rohtak range to any other range or any other independent agency.

Learned senior counsel appearing for the petitioner-complainant, namely, Priyanka has contended that transfer of the investigation of the FIR from Charkhi Dadri to District Bhiwani was totally malafide as the complainant belongs to Charkhi Dadri and thus, transferring the investigation from Charkhi Dadri to District Bhiwani was just to defeat a fair and impartial investigation.

In CRM-M-44741-2021, this Court issued notice to the respondents and operation of the impugned order dated 04.10.2021 was stayed.

Learned counsel appearing for the petitioner in CRM-M-59972-2022 has submitted that the investigation of case be transferred out of Rohtak range in order to conduct a fair and impartial investigation.

Learned senior counsel, however, has submitted that the investigation cannot be transferred at the behest of the accused without any rhyme and reason.

Arguments of both the sides were heard at length and keeping in view the nature of the offence, which is matrimonial in nature, the State was directed to look into the allegations of both the sides and suggest the investigation by some independent team/Agency.

In pursuance to the same, status report by way of affidavit of Rakesh Kumar Arya, IPS, Inspector General of Police, Rohtak Range, Rohtak dated 13.04.2023 has been filed. It has been mentioned in the status report that nature of the dispute has been taken into consideration and to

conduct fair, transparent and impartial investigation in the FIR vide order dated 07.04.2023, SIT has been constituted comprising the following officials:-

“1. Smt. Medha Bhushan, IPS, Addl. Supdt. of Police, Rohtak-Head.

2. Insp. Promila, SHO, PS Women Rohtak-Member

3. ASI Virender No.859/RTK, PS Women Rohtak-Member”

It has been submitted by learned State counsel that in case this Court approves the same, then SIT constituted would conclude the investigation expeditiously by holding day-to-day proceedings.

Copy of the status report had been supplied to counsel for both the sides and they have also agreed that the investigation be conducted by the SIT as constituted by the State vide order dated 17.04.2023. However, learned Senior counsel has submitted that the complainant is the aggrieved person and for joining the proceedings, the complainant would have to travel from Charkhi Dadri to Rohtak, which would be a harassment to her.

It is being clarified that SIT would conclude the investigation in accordance with law keeping in view that the complainant who is the victim, would not be unnecessarily harassed by making her to travel from Charkhi Dadri to Rohtak without any substantial reason. As far as possible, the SIT would join the complainant in the proceedings by sending the Investigating Officer from Rohtak to Charkhi Dadri, where she resides.

Superintendent of Police, Charkhi Dadri, where the FIR was registered would ensure that the complete file of the case would be handed over to SIT constituted for further investigation. SIT would investigate the FIR in a free and fair manner and conclude the same expeditiously preferably within three months from today in accordance with law.

Both the petitions stand disposed of in the above terms.
Pending misc. applications are also disposed of.

01.06.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No