

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

115

CWP-21465-2023

Date of decision:04.10.2023

JAIKAM

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for seeking issuance of directions to the respondents to conduct fair and impartial investigation in view of the representation dated 21.08.2023 (Annexure P-1).

The averments contained in the present petition are that Varjish Khan, son of the petitioner herein, is alleged to have been named in the list of miscreants released by the police on the strength of an information received from the secret informer. It is averred that the above said nomination of Varjish Khan is false and that his son had no connection in the said incident as he was at his work on the date of incident i.e. on 31.07.2023 at Ferozepur Jhirka and was not at the place where violence had erupted. It is further averred that house of the petitioner is situated in village Bhond of Ferozepur Jhirka block, which is approximately 40 km away from the place of incident at District Headquarter Nuh.

The petitioner claims that he is a Commission Agent and seller of fruits and vegetables at various locations in Ferozepur Jhirka, Nagina, Punhana etc. Due to fear of arrest created by the local police, he is not in a capacity to run his shop. The police is harassing the petitioner to know the whereabouts of Varjish Khan whereas he is not in the knowledge thereof. A representation in this regard was also submitted by the petitioner to the Superintendent of Police, Nuh that his son has been wrongly nominated in the list of miscreants but to no effect. He contends that he is ready and willing to associate himself with the investigation and that undue and unwanted pressure should not be imposed by the police.

I have heard learned counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present writ petition. The same are in the nature of a representation submitted to the Superintendent of Police, District Nuh as well as the order in previously filed CRM-M-43904 of 2023 by the petitioner, which was withdrawn with a liberty to avail alternative remedies vide order dated 02.09.2023 and also the Division Bench order of this Court in the matter of Court on its own motion dated 07.08.2023 in petition bearing CWP-PIL-68 of 2023 staying the illegal demolitions.

None of the aforesaid documents support the claim of the petitioner that his son Varjish Khan had been wrongly named as an accused or establish that there is no material available with the police to conduct enquiry into the whereabouts/antecedents of Varjish Khan. Moreover, there is nothing on record on the basis whereof any doubts with respect to the impartiality, fairness or transparency in the

investigation can be raised.

In the absence of any tangible allegation, there is no reason for this Court to come to a conclusion that the respondent-Investigating Agency would not do a fair job or would not conduct itself in a manner known to law. There is nothing on record as to suggest that any reasons exist for false implication of the son of the petitioner.

The present writ petition seems only as an attempt to pressurize the investigating Agency in not conducting the investigation against the son of the petitioner, which cannot be permitted to be attained in this manner. However, the petitioner may, if so advised, tender evidence to substantiate his case to the investigating agency, which is expected in law to satisfy itself about the said evidence before investigation is concluded.

The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 04, 2023

Vishal sharma

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