

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CRM-M-55685-2022 (O&M)

Date of decision: 13.02.2023

DEEPIKA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Wadhwan, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure praying for issuance of direction to respondent Nos.1 to 4 to handover the investigation of the FIR bearing No.0007 dated 08.01.2022 under Section 306 IPC registered at police station Maqboolpura (Annexure P-1) to some independent agency of to some higher officer not below the rank of IPC.

Status report by way of affidavit of Gurpartap Singh Sahota, IPS, Assistant Commissioner of Police, East, Amritsar has been filed by learned State counsel. Same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner. He further on instructions from ASI Baljinder Singh submits that Section 302 IPC has been added and accused Vijay Ranna, brother of the deceased has been arraigned. He refers to para Nos.10 and 11 of the Status report, which read thus:-

10. That it is submitted that since the offence under Section 302 IPC has been added in the present case FIR No. 07/2022 (supra) and the accused Vijay Ranna has already been granted relief of anticipatory bail in this case qua offence under Section 306 IPC by this Hon'ble Court. Hence, legal recourse is being

taken to effect arrest of the accused Vijay Ranna under the amended offence under Section 302 IPC, who is not traceable despite make strenuous efforts.

11. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the investigation of the aforesaid case FIR No. 07/2022 (supra) is being carried out in a fair and impartial manner. The offence under Section 302 IPC has been added in this case after receipt of opinion of the doctor and legal course is being taken to effect arrest of the accused Vijay Ranna under the amended offence under Section 302 IPC. The present case FIR No. 07/2022 (supra) is under investigation which shall be taken to its logical conclusion and final investigation report under Section 173 (2) Cr.P.C. shall be presented before the jurisdictional learned Court. The representation given by the petitioner is also being verified during investigation of the aforesaid case. As such, no cause of action arises in favour of the petitioner for transfer of investigation of the present case FIR No. 07/2022 (supra) to any other agency or officer. Therefore, the present petition is liable to be dismissed.

Faced with this, learned counsel for the petitioner seeks and is granted permission to avail of any other alternate remedy available to her in accordance with law, in case any grievance still subsists.

Disposed of with liberty aforesaid.

(AMAN CHAUDHARY)
JUDGE

February 13, 2023

M.Kamra

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