

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

2023:PHHC:156907

**CRM-M-57571-2023 (O&M)
Date of Decision: 07.12.2023**

SAROJ BALA

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Singla, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

[1] This petition has been filed under Section 482 Cr.P.C. for transferring/changing the investigation from the DSP Atma Ram, Crime Branch, Rohtak, to some senior IPS police official, not below the rank of Superintendent of Police, in case FIR No. 263, dated 15.04.2023, registered at Police Station HTM, District Hisar, under Sections 147, 149, 323, 354, 354-A and 506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

[2] *Inter alia* contends that the FIR was registered on 15.04.2023. Accused Pawan is a Head Constable in the Haryana Police and therefore, no action has been taken against him, as well as his father Rammehar. The status report, dated 30.11.2023, has been filed by way of an affidavit of Sh. Dhan Prakash, Inspector, Station House Officer, HTM Police Station, Hisar, wherein, it is contended that one of the accused Karampal was arrested on 16.11.2023. It is further contended in paragraph No. 6 that during the investigation on 09.05.2023, Kaptan Singh, Deputy

Superintendent of Police, Hisar, deleted Sections 147, 149, 354 and 354-A IPC and invoked Section 3 of the Act of 1989. The statement of the victim was also recorded under Section 164 Cr.P.C. Accused Rammehar was arrested, when produced in the Court, he was released on bail on 09.05.2023. It is contended that at that point of time, the provisions of Section 3 of the Act of 1989 were not invoked.

[3] Counsel for the petitioner submitted that the petitioner is aggrieved since the investigation is being transferred from here and there and only on account of the fact that accused Pawan is a Constable in the Haryana Police, the police is not taking any action in the matter.

[4] As per provisions of Section 4 of the Act of 1989, a public servant can be punished with imprisonment where he does not perform his duties provided under Section 4 (4) of the Act. The said section also mandates for completion of investigation within 60 days.

[5] Faced with the situation, learned counsel for the petitioner submits that the present petition may be disposed of while granting the liberty to the petitioner to approach the Special Judge under the provisions of the Act of 1989 to seek his remedy under Section 4 of the Act.

[6] The petition is disposed of with aforesaid liberty.

[7] Pending miscellaneous application (s), if any, shall also stand disposed of.

December 07, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No