

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9749-2024
DECIDED ON: 02.04.2024

RAMESH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naresh Dilawari, Advocate for
Mr. Lekhraj Sharma, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for handing over the investigation in FIR No.251, dated 19.09.2023, under Sections 302 & 34 IPC, registered at Police Station Dhauj, Faridabad to respondent No.3.

During the course of hearing on 23.02.2024, this Court passed the following order:-

“The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for handing over the investigation in FIR No.251 dated 19.09.2023, under Sections 302 and 34 of IPC, registered at Police Station Dhauj, Faridabad (Annexure P-1) to respondent No.3/CBI.

Learned counsel for the petitioner contends that the petitioner is the father of Balwinder (deceased), who was brutally murdered in a fake encounter at the hands of

respondent No.4 namely Inspector Rakesh, Police station Dhauj, Sector 48, Faridabad.

The apprehension raised in the instant petition is qua bias investigation and unfair conclusion, wherein more than three months have been lapsed despite lodging of the above-said FIR, but even the FSL report has not come on record. The petitioner is being harassed at the hands of respondent No.4 through other Government officials as well of the same department and is being pressurized to withdraw the case otherwise be ready to face further brutality with the threat to elimination.

The doubts and reasons have been duly raised in para 9 of the petition, which have been gone through with the assistance of learned counsel for the petitioner and this Court in the light of such background and gist of facts would issue notice of motion to the State, who shall file a status report with regard to the investigation so far conducted and considering the allegations raised in the instant petition within a period of one week from today by way of an affidavit of the Commissioner of Police, Faridabad and also to take stand as to why the matter be not referred to CBI for further investigation, since investigation is conducted in tainted manner, as is also evident from the perusal of instant petition.

Considering the aforesaid facts and the circumstances as narrated before this Court, respondent No.2, Director General of Police is directed to ensure that petitioner and his family members should not be harassed any more and till the next date of hearing, he should not be called to the police station or any other place.

Adjourned to 05.03.2024.”

In pursuance thereof, an affidavit by the State of Haryana has been filed through Commissioner of Police, Faridabad dated 04.03.2024

along with a report of Forensic Science Laboratory Haryana, Madhuban (Karnal) and report visit to scene of crime issued by Mr. R.S. Sangwan, Assistant Director (Ballistics), Science Laboratory Haryana, Madhuban (Karnal).

However, thereafter on 13.03.2024, learned State counsel sought time to get instructions as to whether the State is ready and willing to re-constitute Special Investigation Team headed by Senior Officer of Vigilance Department of the State and on 22.03.2024, learned State counsel informs the Court that State is ready to constitute a Special Investigation Team (SIT) under the supervision of DIG, Crimes and in that regard sought one week time to furnish the name of the members of that SIT who will further investigate the matter. On that date, Sh. Lekhraj Sharma, Advocate appearing for the petitioner was also in consonance with the State counsel stating that if State constitutes SIT under the supervision of DIG, Crimes, he would be satisfied and will not press the present petition any further.

In pursuance thereof, learned State counsel has produced a copy of order dated 28.03.2024 issued by Shatrujeet Kapur, Director General of Police, Haryana, which is taken on record. A copy of the same has been handed over to the learned counsel appearing for the petitioner Mr. Naresh Dilawari representing Mr. Lekhraj Sharma, Advocate.

A perusal of the aforesaid order dated 28.03.2024 issued by Director General of Police, Haryana would depict that a Special Investigation Team (SIT) has been constituted consisting of Sh. Hamid Akhtar, Deputy Inspector General of Police, SCB-I, who has now formed a Special Investigation Team (SIT) consisting of two officers namely

Sh. Nitish Aggarwal, IPS, SP/SCB, Faridbad and Smt. Mamta Kharab, HPS,
DSP/SCB, Faridabad.

In the light of above, nothing survives in the instant petition as
Sh. Naresh Dilawari, Advocate appearing on behalf of the petitioner submits
that he does not want to press the present petition any further at this stage.

Accordingly, the present petition is disposed off in the aforesaid
terms.

02.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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