

SUNITA VADHERA

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhdeep Singh, Advocate
for Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Randeep Singh, Advocate
for respondent No. 5.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for transferring of the investigation in case bearing FIR No. 231 dated 27.12.2021 registered under Sections 406 and 420 of Indian Penal Code at Police Station Sector-9, Ambala City, District Ambala and further seeking issuance of directions to respondents No. 3 and 4 for taking appropriate action against respondent No. 5.
2. Learned counsel for the petitioner submits that the Investigating Agency is not conducting the investigation in fair and proper manner and Investigating Officer has connived with respondent No. 5 and deliberately arrested her after the sunset which is in violation of the procedure prescribed under Section 46 of Cr.P.C. and only a show cause notice has been issued to the Investigating Officer. The respondent No. 5 was denied the anticiaptory bail by the learned trial Court and thereafter she could not succeed in getting the

anticipatory bail in the second round of her application, which was also dismissed. The Investigating Officer has failed to perform its statutory duty.

3. Per contra, learned State counsel submits that the Investigating Agency has already concluded the investigation in a fair and impartial manner and after conclusion of the investigation, the final report under Section 173 of Cr.P.C. has been filed against the remaining accused, except respondent No. 5, before the concerned jurisdictional Magistrate on 20.07.2022 and the investigation of the FIR(supra) qua respondent No. 5 has been entrusted to EOW Cell and is pending only in compliance of the order passed by this Court on 22.04.2022 and he further submits that in case this Court permits the Investigating Agency to conclude the investigation, the Investigation Agency will conclude the investigation qua respondent No. 5 within a period of 03 months from today and will file the final report before the jurisdictional Magistrate.

4. Having heard the learned counsel for the parties and after perusing the record of the case, this Court finds no ground for transferring the investigation in the FIR(supra) to Crime Branch or to Central Bureau of Investigation, only on the allegations that respondents No. 3 and 4 have connived with respondent No. 5 and on the *ipse-dixit* of the petitioner. The Investigating Agency has already concluded the investigation and respondent No. 5 was arrested and the Investigating Officer had produced her before the concerned jurisdictional Magistrate, however, she was released only on the ground that her arrest after the sunset and before the sunrise and was not in compliance of Sub-Section 4 of Section 46 of the Code of Criminal Procedure.

5. In view of the above, the present petition is disposed of and the Investigating Agency is directed to conclude its investigation qua respondent No. 5 within a period of 03 months from today.

19.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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