



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

253

CRM-M-19706 of 2024

Date of Decision: 28.08.2024

Fazar Mohd.

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Salman Ahmed, Advocate,
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana

Mr. Azad Khan, Advocate,
for respondents No.5 to 8.

ANOOP CHITKARA, J. (Oral)

1. Vide the present petition, the petitioner is seeking fair and impartial enquiry, the petitioner who is uncle of the deceased had come up before this Court with the following prayer:-

“It is, therefore, most respectfully prayed that the present petition may kindly be allowed and this Hon’ble Court may also direct respondents No.2 to 4 to take remedial action with regard to representation/complaint dated 19.03.2024 (Annexure P-2) submitted by the petitioner to respondent No.3 by adding an offence under Section 302 IPC in FIR No.3 by adding an offence under Section 302 IPC in FIR No.76 dated 19.03.2024 under Sections 279, 304-A, 337 IPC registered at Police Station Nagina District Nuh (Mewat) (Annexure P-1) and thereby conduct fair,

impartial and scientific investigation in the matter, as the present *lis* does not fall within the ambit of Sections 279, 304A, 337 IPC, rather it is a pre-planned murder of Sameena (niece of the petitioner) committed by in-laws of Sameena i.e. the respondents No. 5 to 8 and even for that purpose, the petitioner submitted representation (Annexure P-2) which *prima facie* makes out cognizable offence against the respondents No.5 to 8, however, despite the receipt of the same, respondents No. 2 to 4 have failed to further proceed the matter and also did not add the offence punishable under Section 302 IPC.”

2. The State has filed the reply and it would be appropriate to refer paragraphs No.5 and 6 thereof, which read as follows:-

“5. That so far as the representation dated 19.03.2024 is concerned, it is submitted that no force was found in the said representation as Sameena was found to have died due to injuries suffered by her after falling down from auto rickshaw due to the rash and negligent driving of the auto rickshaw driver.

6. That the investigation of the present FIR is going on and the same is at initial stage. The investigation is being conducted fairly and diligently by the investigating officer. The allegations levelled by the petitioner in the present petition against the police officials are false and baseless. Further, no force has been found in the representation dated 19.03.2024, as mentioned in para No. 5 above. Thus, the petitioner is not entitled to seek any relief from this Hon’ble Court and the present petition is liable to be dismissed.”

3. Counsel for the petitioner submits that he is not at all satisfied with the reply as well as with the investigation and he may be permitted to make a fresh representation to the Director General of Police, Haryana and prayed for direction to the concerned officer to the same decide either by the

DGP himself or by any officer not below the rank of SSP within a time bound manner.

4. Given above, petitioner is permitted to file fresh representation within a period of two weeks from today, the same shall be decided by the DGP either himself or by delegating the same to any officer not below the rank of SSP or above within a period of two months by passing a well reasoned order. The outcome of the same be communicated to the petitioner as well as his counsel on the email ID which should be mentioned in the representation.

(ANOOP CHITKARA)
JUDGE

August 28, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No