

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

259+113

1. CRM-M-21806-2024 (O&M)

Mahesh Yadav ...Petitioner

Versus

State of Haryana and others ...Respondents

2. CRM-M-47154-2024 (O&M)

Kuldeep ...Petitioner

Versus

State of Haryana and others ...Respondents

Date of decision: 16.10.2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

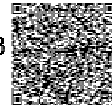
Present:- Mr. Gurmohan Singh Bedi, Advocate and
Mr. Pawandeep Singh, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in these petitions, filed under Section 482 of Cr.P.C., is for issuance of directions to official respondents for transferring the investigation of FIR No. 68 dated 02.03.2024, registered under Sections 120-B, 406, 420 and 506 of IPC at Police Station Manesar, District Gurugram to any other investigating agency outside the State of Haryana.

2. Learned counsel for the petitioners has submitted that the aforementioned FIR has been registered at the instance of respondent No. 2 Deepak Bhalla and the petitioners have falsely been implicated in this case. It is further submitted that petitioner Mahesh Yadav had previously filed a



complaint bearing number COMI-197-2024 (Annexure P-5) against respondents No. 2 to 4, which is pending before the Court concerned and petitioner Kuldeep has been cited as a witness in the said complaint. Since respondent No. 3-Anand Kumar, Inspector, CIA Unit, Sector 31, Gurugram is one of the accused in the said complaint, he has been pressurizing and harassing the petitioners. He is even influencing the investigation in the matter. Respondent No. 3 is also pressurizing petitioner Kuldeep to make statement in the aforesaid complaint in his favour.

3. Learned State counsel has opposed the prayer while submitting that a fair and proper investigation is being conducted in the matter and there is no reason to mistrust the police officials. He has further submitted that the present petitions have been filed on false grounds and, therefore, the same deserve dismissal.

4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. Admittedly, respondent No. 3-Anand Kumar is a police official of the rank of Inspector. Petitioner Mahesh Yadav has filed the aforesaid complaint against him as well as against respondents No. 3 and 4, namely Sandeep Kumar and Sudhir Kumar, who are also Assistant Sub Inspectors and posted at Police Station Sector 31, Gurugram. Although, this Court is not inclined to delve into the controversy as to whether aforesaid respondents are influencing the investigation or have pressurized the petitioners in any manner, yet keeping in view the facts that the aforesaid respondents are police officials, against whom a complaint filed by petitioner Mahesh Yadav, is pending adjudication before the Court concerned and petitioner Kuldeep is

cited as a witness in the said complaint, the present petitions are disposed of with a direction to the Commissioner of Police, Gurugram to ensure that the investigation of the aforesaid FIR be supervised by a police officer outside the CIA Unit, Sector 31, Gurugram not below the rank of Deputy Superintendent of Police.

6. Let a photocopy of this order be placed on the file of the connected case.

16.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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