

2024.PHHC:091603



227/4

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46389-2017
DECIDED ON: 01.03.2024

PREM LATA KAPOOR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Sidharth Chawla, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

Mr. Ravi Kamal Gupta, Advocate
for respondent No.2-CBI.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for direction to hold further inquiry and investigation in FIR No.913, dated 16.11.2015, under Sections 147, 149, 323, 452, 506, 427, 448, 511, 120-B, 395, 397 IPC and Section 25 of Arms Act, registered at Police Station Model Town, Panipat, pending in the Court of District & Sessions Judge, Panipat to Central Bureau of Investigation, New Delhi.

2. A perusal of the reply by way of affidavit of Jagdeep Singh, HPS, Deputy Superintendent of Police (Hq.), Panipat dated 30.07.2018 refer that investigation in the said case was transferred to the State Crime Branch, Madhuban on 06.01.2016 during which offences under Sections 395 and 397 IPC along with Sections 25/54/59 of the Arms Act were added. After

completion of the investigation, challan under Sections 147, 149, 323, 452,

506, 427, 448, 511, 120-B, 395, 397 of IPC along with Sections 25/54/59 of the Arms Act was presented to Court on 05.07.2017 and charges also stands framed therein a total of 12 accused were arrested. Further para No.9(vi) on merits as well as para No. 11 thereof declares that after registration of the case each and every aspect investigation was conducted in a fair and proper manner and hence, it is not a fit case for transfer to the Central Bureau of Investigation.

3. Further as per the stand taken by the investigating agency/respondent No.1 the charges have been framed and evidence of the prosecution is underway and in the light of the fact that framing of charges have not been assailed in any of the petitions before this Court.

4. Having regard to the aforesaid assertions in the light of the fact that investigation is complete and charges have already been framed wherein the trial is in progress, the question of directing further investigation or transfer of the same to any other independent agency including Central Bureau of Investigation has become redundant.

5. As far as the prayer for transfer of the case to Central Bureau of Investigation is concerned, this matter does not fall within the settled guidelines by the Hon'ble Supreme Court of India in "***State of West Bengal versus Committee for Protection of Democratic Rights***", (2010) 3 SCC 571. Such an indulgence is to be shown not as a matter of routine or merely on the allegations of either of the parties raising aspersions on the investigating agency without any cogent material to substantiate such allegations. The inherent powers under Section 482 Cr.P.C. also is to be exercised sparingly, cautiously and in exceptional situations, wherein it becomes inevitable and

seems necessary to the Court to provide credibility and instill confidence in investigations or where the incident may have national or international ramifications or where such an order may be necessary for doing complete justice and enforcing fundamental rights.

6. Hence, in view of the discussion made hereinabove and the fact that challan stands presented on 05.07.2017, charges have been framed and trial is under progress, this petition is devoid of any merits.

7. Reference to the order passed in the connected petitions i.e. CRM-M-3840-2017 and CRM-M-44885-2017 shall also be made wherein quashing of FIR has been declined and transfer of trial proceedings also has met with the same fate.

8. Hence, the present petition is dismissed with no order as to costs.

01.03.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>