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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 02.12.2024

(i) CRM-M-30275-2023 (O&M)

Javed
...Petitioner

Versus

State of Haryana and others
...Respondents

(ii) CRM-M-64869-2023 (O&M)

Javed
...Petitioner

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Satish Chaudhary, Advocate
for the petitioner(s).
Mr. Bhupinder Singh, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Both the above referred petitions are amenable to be decided together as relief of issuance of mandamus upon the official respondents concerned, has been sought to conduct free and fair investigation in case FIR No.31 dated 04.02.2023, under Sections 148, 149, 302, 506 of the IPC, and Section 25 of the Arms Act, 1959 registered at P.S. Punhana, District Nuh and also to transfer the investigation out of the district Rewari.



2. This Court vide order dated 19.09.2024 had directed the State to file response to the instant petitions. In deference to directions issued by this Court, Status report by way of affidavit of Pardeep Khatri, HPS, Deputy Superintendent of Police Punhana, on behalf of respondent-State, filed in Court today, which are taken on record. As per the status report, some of the accused persons, who were nominated in the FIR, have been found innocent, and kept in column No. 12, accordingly, and the remaining accused persons have not been arrested. The warrants of arrest has already been got issued from the learned area Magistrate. The relevant extract of the reply reads as under :-

“14) That it is also pertinent to mention here that during the course of verification of Investigation conducted by in charge, CS & PO staff, Punhana and Deputy Superintendent of Police, Crime and Traffic, Nuh and the proposed accused namely Nawab, Misruddin s/ o Suleman, Azruddin s/o Nawab, Haseen s/o Misruddin, Jarina. W/o Samshuddin, Vajida D/o Samsuddin, Ahsan s/o Samsuddin residents of village Shamshabad Khenchatan P.S. Punhana were not found Involved in the commission of crime, therefore, they are not charge sheeted in the present case and kept in column no. 12 The remaining accused namely Hanni S/o Ramjan and Tahir S/o Ibrahim are absconding from their houses, who are yet to be joined investigation in the present case. It is also pertinent to mention here that warrant of arrest of accused Tahir and Hanni have been procured from Ld. Area magistrate and case is fixed for 26.11.20224 for appearance of the accused. That after completion of investigation against accused Irshad, Samshuddin, Talim, Sadil, a challan was prepared on 10.05.2023, which was submitted in the Ld. Court of Area



Magistrate on 12.05.2023. A supplementary challan of accused Rajida was prepared on 29.11.2024 and it was submitted in the Ld. Court of Area Magistrate on 01.02.2024. Charges were framed accused on 16.05.2024. There are total 25 witnesses, who are yet to be examined. The case is now fixed for 17.12.2024 for prosecution evidence against the accused. It is also that accused Irshad, Samshuddin, Talim, Sadil, Rajida are hardcore criminals and they are also involved in case FIR No. 421 of 2017 u/s 148,149,323,302 IPC & 25-54-59 Arms Act P.S Punhana was also registered against the accused Samshuddin, Talim, Sadil, and Rajida who have been convicted and sentenced in that case. It is further submitted that cases bearing FIR No. 152 of 2021 u/s 376,323,506,420 IPC P.S Punhana and FIR No. 199/2020 P.S. Kaithwada u/s 363 IPC & 6-17 POCSO Act was registered against accused Irshad s/o Sumer kha r/o Singaar who has been acquitted in that case.”

3. Since the final report has already preferred, and now sufficient efforts are being made by the prosecution agency to arrest the accused persons, who are still at large. This Court is of the opinion that no further direction is required to be passed, therefore, the instant petitions are **closed**. In case, the petitioner still have any grievance, he is at liberty to approach the learned trial Court concerned under the apt provisions of law.

4. **Disposed of accordingly.**

5. A photocopy of this order be placed on the file of the connected case.

02.12.2024

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No