

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

245

CWP-19927-2021
Date of Decision: 31.01.2024

SANTOSH DEVI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Anjali Sheraon, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana
for respondents No.1 to 4.

Mr. Ravi Kamal Gupta, Advocate
for respondent No.5-C.B.I.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to carry out fresh investigation and to transfer the investigation of the case FIR No.254 dated 13.07.2021 under Sections 364, 306 and 34 of IPC and Sections 3(1) and 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Narwana, Jind.

Written statement has been filed on behalf of respondents No.1 to 4 through Superintendent of Police, Jind, wherein it has been averred that the initial investigation of the case was undertaken by P/SI Naresh Birwal of the abovesaid Police Station. All persons were joined in the investigation and the dead body was recovered. Postmortem on the body of the deceased was also conducted. Investigation of the case was thereafter conducted by DSP, Narwana. Statements of all the witnesses were recorded. Initially, the final report under Section 173(2) Cr.P.C. had been prepared in respect of accused Joginder and was filed before the Court concerned on 15.09.2021 for commencement of trial. Thereafter, on 12.01.2022, supplementary challan under Section 173(8) Cr.P.C. was prepared and presented before the Court concerned on 14.01.2022. The charges had already been framed by the Court concerned on 12.10.2021. Even further, the petitioner has also deposed partly in

the said case as PW-1 and an application under Section 319 of the Cr.P.C. has also been moved for summoning of additional accused. Financial assistance to the tune of Rs.4,12,500/- has also been released in favour of the petitioner.

In view of the abovesaid uncontroverted status and considering that the final report has already been presented and after framing of charge, the case is now fixed for recording of prosecution evidence; and even no objection has been raised against the final report and no application has ever been filed by the petitioner for further investigation, I deem it fit to dispose of the present petition at this stage with liberty to the petitioner to raise all her pleas before the Competent Court.

Disposed of accordingly.

JANUARY 31, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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