



112

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53924-2023 (O&M)
Date of decision: 02.08.2024

Danish Kumar @ Danish Mahajan

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No.2 & 3 to transfer the investigation of case FIR No.112 dated 22.07.2022 under Sections 498-A, 406, 509 of IPC, registered at Police Station Sadar Hoshiarpur, to any other district except Hoshiarpur, with a further prayer to issue direction that investigation be conducted by the officer of IPS level.
2. Learned counsel for the petitioner, *inter alia*, contends that from the very inception, the petitioner raised his objection with regard to biased attitude of the Investigating Officer, as brother of the complainant has close

acquaintance with Reader of one Deputy Superintendent of Police, posted in Hoshiarpur. Learned counsel for the petitioner, after having instructions from the petitioner, who is present in the Court, submits that in fact, it was ASI Om Parkash, who was interfering in the investigation. As such, he has no faith in the jurisdictional police authorities of District Hoshiarpur. Therefore, having left with no other option, he has approached this Court for seeking transfer of the investigation of FIR (*supra*) by filing the present petition.

3. *Per contra*, learned State counsel submits that present petition is totally misconceived. The jurisdictional police authorities have performed their statutory duty earnestly and all the allegations levelled by the petitioner are false, which were levelled only to save himself from the process of law. In fact, investigation of the case was conducted by SI Sewak Singh, who has already concluded the investigation. The accused has been arrested and final report under Section 173 Cr.P.C. has been presented before the concerned jurisdictional Court on 17.07.2024.

4. In compliance of the order dated 31.05.2024, status report by way of affidavit of Surendra Lamba, IPS, Senior Superintendent of Police, Hoshiarpur is on record and in para No.4 of this affidavit, it has been clearly indicated that for causing delay in conclusion of the investigation, departmental action has been recommended against Investigating Officer SI Sewak Singh.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no merit in the arguments advanced by learned counsel for the petitioner.

6. The investigating agency has already concluded the investigation and submitted the final report under Section 173 Cr.P.C. before the concerned jurisdictional Court and the trial is in progress.

7. Keeping in view the facts and circumstances of the case, present petition is dismissed.

02.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No