



CRWP-550-2025 (O&M)

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205-a

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-550-2025 (O&M)
Date of Decision: 08.07.2025

ROOP SINGH AND OTHERS

..... PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Daljeet Singh Kaahlon, Advocate
for the petitioners. (Through VC)

Mr. Satjot Singh Chahal, Assistant Advocate General, Punjab.

Mr. Saurav Bhatia, Advocate
for respondent no. 7.

Mr. Satwant Singh Rangi, Advocate and
Mr. Didar Singh, Advocate
for respondents no. 8 and 9.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a direction to respondents no. 1 to 3 to protect the life and personal liberty of the petitioners, i.e., husband, wife and their two children from respondents no. 8 to 20. Further, a prayer has also been made by learned counsel for the petitioners for transfer of investigation of the cases, (i) FIR no. 77 dated 18.09.2024 under

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Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 303 (2) of Bharatiya Nyaya Sanhita (BNS), 2023, and (ii) FIR no. 82 dated 28.09.2024 under Sections 318 (4), 336(3), 340 (2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Taragarh, District Pathankot.

2. Learned State counsel has already made a statement in the connected matter, CRWP-10279-2024, that petitioners no. 1 and 2, who are i.e., husband and wife, have already been provided security to take care of their life and personal liberty. He also contends that in case any issue remains to be addressed regarding security of their children/ petitioners no. 3 and 4, it can be brought to the notice of third respondent/ Senior Superintendent of Police, Pathankot, who will take prompt action in the matter, and provide them security, if required.

3. Further, learned counsel for respondent no. 7 contends that petitioner no. 1 has no right to seek transfer of investigation in the aforementioned cases as he has been nominated as an accused in both the cases. He has referred to the law laid down by the Supreme Court to that effect in *Narmada Bai v. State of Gujarat and others*, (2011) 5 SCC 79, holding as under:

64. ...It is trite law that the accused persons do not have a say in the matter of appointment of an investigation agency. The accused persons cannot choose as to which investigation agency must investigate the alleged offence committed by them.

4. In view of the settled position of law, coupled with the fact that petitioner no. 1 himself is an accused in the aforesaid cases, his prayer for

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transfer of investigation cannot be entertained.

5. Accordingly, the petition stands disposed of leaving it open to the petitioners to avail the alternate remedies in accordance with law.

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(TRIBHUVAN DAHIYA)
JUDGE

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