

2025.PHHC.024594



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(119)

CRM-M-9553-2025

Date of decision: 19.02.2025

Mahun

.....Petitioner

Versus

State of

Haryana & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Munfaid Khan, Advocate, for the petitioner.

Mr.Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for direction to official respondent Nos.2 to 4 to conduct fair investigation and/or to transfer the same to some higher police officer in FIR No.4 dated 06.01.2025 under Sections 103(1), 3(5) of Bhartiya Nyaya Sanhita, 2023 registered at Police Station Sadar Tauru, District Nuh. Further prayer is to prosecute private-respondent Nos.5 to 9 in accordance with law.

2. Brief facts are that petitioner's son namely Sahil (since deceased) was allegedly killed by respondent Nos.5 to 9 and in this regard aforesaid FIR was registered against them.

3. Contends that FIR (*supra*) was registered on 06.01.2025, but Investigating Agency has failed to do fair investigation. Further contends that petitioner also moved an application dated 29.01.2025 (P-2) before respondent No.3 - Superintendent of Police, District Nuh, but despite that no

action was taken. Lastly contends that petitioner submitted an application dated 03.02.2025 (P-3) to respondent No.2 – Inspector General of Police, Rewari Range, but all in vain. Hence, present petition.

4. Although there is no formal notice of motion in this case, but learned State counsel, on instructions from Inspector Jitender Kumar, SHO, PS Tauru, has apprised the Court that investigation in the matter is going on.

5. Heard learned counsel for the petitioner and perused the paper-book.

6. It is settled law that the Courts should be slow in interfering at a pre-mature stage of investigation as it may derail the same (Vide “**Director, Central Bureau of Investigation and others Vs. Niyamavedi**”, (1995) 3 SCC 601, para 4).

7. It transpires that above FIR was registered on 06.01.2025 and investigation is still going on; thus, at this stage, this Court is not inclined to interfere with the ongoing investigation. Moreover, investigation cannot be carried out in a manner as *de-facto* complainant desires; rather it would be for the Investigating Officer to follow the course, unless there is some substance in the allegations of personal bias against the officer concerned.

8. In view of the above and considering the ratio of law laid down by Hon’ble the Supreme Court in **Niyamavedi’s** case (*supra*), this Court is not inclined to entertain the petition “at this stage”.

9. Consequently, there is no option except to dismiss the petition.

10. So ordered.

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11. Needless to say that this order be not construed as an expression of opinion on the merits of controversy in any manner; nor same shall debar the petitioner from availing any other remedy as per law.

Pending application(s), if any, shall also stand disposed off.

19.02.2025
sailesh

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/ No