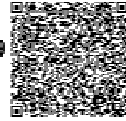


2025:PHHC:038509



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

128

CRM-M-15183-2025 (O&M)
Date of decision : 20.03.2025

Aakash Malik**...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vikram Satpal Anand, Advocate
for the petitioner.

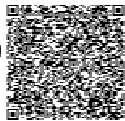
Mr. Arun Kumar Singla, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 528 read with Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking transfer of investigation of case arising out of FIR No. 26 dated 25.01.2025, registered under Section 25 of the Arms Act, 1959 and Sections 103(1), 109(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 at Police Station Naraingarh, District Ambala to the State of Punjab.

2. Learned counsel for the petitioner has submitted that elder brother of the petitioner, namely Vicky Malik, has been falsely implicated in the aforesaid case and is in custody since 06.02.2025. It is further submitted that the alleged victim namely Harbilas was an advocate and member of the Bar Association Naraingarh and due to a resolution passed by the said Bar Association, the petitioner could not engage any advocate to defend the case of his brother. Hence, it is urged that the investigation of the case be transferred to the State of Punjab.

2025:PHHC:038509



3. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that the investigation in the present case is being conducted in a fair and impartial manner by the police and in view thereof, no case has been made out to transfer the same to any other State.
4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.
5. The only ground taken by the petitioner for transferring the investigation of the aforesaid case is that due to some resolution passed by the local Bar Association, he is not able to hire any lawyer for defending the case of his brother, who has been arraigned as an accused in the said case and is in custody since 06.02.2025. It is not the case of the petitioner that either the investigation is not being conducted properly or the same lacks fairness or impartiality. Hence, no ground has been made out for issuing any direction with regard to transfer of the investigation to any other place. Accordingly, the present petition is dismissed. So far as the availability of legal aid to the brother of the petitioner is concerned, the same is to be seen by the Court concerned when it is approached either for grant of bail or for defending his case during trial.

20.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No