



262 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-41735-2024 (O&M)
Date of Decision: 17.02.2025

ZILE SINGH

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023, seeking issuance of directions to respondents No. 2 to 5 for transferring the investigation of the FIR No. 57 dated 14.02.2024 registered under Sections 148, 149, 323, 325, 341, 506 and 120-B of Indian Penal Code (Section 307 of IPC added later on) at Police Station Gadpuri, District Palwal, Haryana from District Palwal to any other District in Haryana.

2. Following order was passed on 28.11.2024:

“Learned counsel for the petitioner inter alia submits that the petitioner is the complainant and he was mercilessly beaten up by the accused persons. Learned counsel further submits that no action has been taken against the accused persons and it is only after the intervention of this Court that the FIR was registered by the police against the accused persons. He further submits that whereabouts of the accused persons are very well known to the police but no action has been taken against them.

Status report dated 23.09.2024 filed by the learned State counsel by way of an affidavit of Deputy Superintendent of Police, Palwal, is not satisfactory.



Respondent No.4-SP, Palwal, District Palwal is hereby directed to file fresh status report, by way of an affidavit, detailing the investigation and reasons for delay.

Adjourned to 16.12.2024.”

3. Learned State counsel has filed status report dated 13.12.2024 today in the Court. Same is taken on record. Learned State counsel refers to the status report and submits that the Investigating Agency has already concluded the investigation and submitted the final report before the jurisdictional Court and as such, nothing survives in the present petition.

4. Learned counsel for the petitioner objects to the manner in which the investigation has been concluded and submits that after initial opinion with regard to the injury breaching the threshold of Section 307 of Indian Penal Code, the Investigating Agency has, in a biased and partisan manner, obtained fresh opinion from the medical board and on the basis of the same, the offence under Section 307 of IPC has been deleted and also exonerated the accused initially named by the petitioner. Learned counsel for the petitioner further submits that the apprehension of the petitioner has been vindicated as the Investigating Agency has, initially not registered the FIR and now conducted a biased investigation giving undue benefit to the accused and as such it is a fit case for handing over the investigation to an independent agency.

5. Per contra, learned State counsel submits that the jurisdictional police authorities have conducted the investigation in a fair and impartial manner and the deletion and addition of the offence is the prerogative of the jurisdictional authorities and they have only acted upon the opinion of the expert and the medical board was duly constituted and thereafter on the

opinion thereof, while referring to annexed R-6, whatever opinion has been rendered by the medical board of three doctors, the offence in terms of the opinion has been added in the FIR(supra) and now the matter is pending before the learned trial Court and still if petitioner has any surviving grievance, he can raise the same before the learned trial Court.

6. In view of the above, this Court does not find any force in the arguments advanced by learned counsel for the petitioner, and thus, the present petition is hereby dismissed, being bereft of any merit.

(HARPREET SINGH BRAR)
JUDGE

17.02.2025
Ajay Goswami

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