



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

CRM-M-53735-2022 (O&M)

Reserved on: 07.05.2025

Pronounced on: 08.05.2025

Chandrapal

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Petitioner-in-person.

Mr. Deepanshu Matya, *Amicus curiae*,
for the petitioner.

Mr. Sunpreet Singh, Advocate as legal Aid Counsel
for the petitioner

Mr. Ramesh Kumar Ambavta, AAG, Haryana assisted by
ACP Sukhbir Singh.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') seeking issuance of directions to respondents to hand over the investigation of the case stemming from FIR No.159 dated 20.04.2022 registered under Sections 279 and 304-A of India Penal Code, 1860 (hereinafter 'IPC') registered at Police Station Farrukh Nagar, District Gurugram to some independent agency like CBI to ensure a free and fair investigation.

2. Briefly, the facts, as alleged, are that on 18.04.2022, at around 9:00 AM, the petitioner's son Jinesh@Nitin was kidnapped by accused persons namely Ankit, Subash, Vir Singh Brother-in-law of Subash, Tikam Singh, Subash's uncle in their vehicle who all are residents of Bijnor (Uttar Pardesh) and New Delhi. The occurrence was eye witnessed by Beena and Rinki



daughters of the petitioner. Thereafter, petitioner's wife received phone call from mobile number of Janesh, who said that he has been kidnapped by aforesaid accused and has been detained in a room at Delhi and they were planning to kill him. Upon this, wife of petitioner made complaint with regard to incident to Police Station Syohara, District Bijnor (Uttar Pradesh) but no action was taken thereof. Next day on the intervening night of 19/20.04.2022, a call was received from the phone number 89501-98202 on the mobile of petitioner's wife and it was told that the son of petitioner has met with an accident with truck and is admitted at sector-10 Gurugram. Thereafter, when petitioner reached Gurugram alongwith his relatives, he found that his son is already dead and even postmortem has been performed. Afterwards, FIR (supra) has been registered in this matter.

3. Learned *amicus curiae* inter alia contends that petitioner had a land dispute with his real brothers for the last few years. So keeping grudge of it, accused persons who are petitioner's nephews and relatives, kidnapped his son Jinesh @ Nitin on 18.04.2022 and later on killed him. With respect to abduction of his son Janesh @ Nitin by aforesaid accused persons, petitioner's wife Dulari Devi submitted a complaint on 18.04.2022 to SHO Police Station Syohara (Uttar Pradesh), in which she submitted that on 18.04.2022 at around 9 a.m. her son was going to Syohara along with his two sisters Beena and Rinky, then aforesaid accused persons abducted him and put him inside their Tata Sumo at gun point. Later on, petitioner's son was murdered by accused persons, which has been given shape of an accident. Learned *amicus curiae* strongly submits that the local police has deliberately failed to act on the complaint and has conducted a biased and perfunctory investigation, seemingly to shield the accused persons. The lack of custodial interrogation of the accused despite the



availability of specific allegations, as well as the failure to follow up on leads provided by the petitioner, reflect a compromised investigation. In light of this, the amicus curiae prays for the investigation to be handed over to the Central Bureau of Investigation (CBI) in order to secure a fair, impartial, and independent probe. Learned amicus curiae further contended that post mortem report of deceased son of petitioner does not show any crush injuries at body of deceased, which puts serious doubt on the false story of death by accident of Janesh.

4. Leaned State counsel refers to the status report and submits that detailed and fair enquiry has been conducted by SIT, who visited the house of petitioner at village Mubarikpur Gandhi, P.S. Syohara, District Bijnore, Uttar Pradesh. Although the petitioner claimed his daughters Beena and Rinky witnessed the kidnapping, both declined to record formal statements. Moreover, the petitioner and her another son Satish also refused to give their statements for the reasons best known to them. Further, Sh. Sunil Kumar (village Pardhan), s/o Jagdish Singh, r/o Mubarikpur was also joined in the investigation and stated that Janesh was mentally unstable and had a history of leaving home. He also confirmed that on the night of the alleged incident, Satish and his sister informed him about an accident in Gurugram but made no mention of any kidnapping. In addition to it, the IMEI report of Janesh's mobile phone revealed that it was later found and used by Bhikham Singh, S/o Ram Savroop, r/o Badobarakalan, P.S. Samshabad, District Agra, U.P., who joined the investigation and stated that he had found the phone near KMP flyover in Village Patil. Most importantly, the CDRs of the deceased, Janesh, his family members as well as alleged accused persons were collected for the relevant period and scrutinized. The scrutiny of CDRs reveals that Janesh's mobile



phone was continuously on from 18.04.2022 to 19.04.2022 morning, and he was in frequent contact with his family members, even for long duration of upto 20 minutes. Further, he also made 12 telephonically calls to 112 police helpline number of Delhi Police, which provided the recordings of deceased Janesh, conversing with officials of Delhi Police on duty, on 112. His conversation is free and voluntary. Even Delhi police has acted upon an information of injury by Janesh. Had Janesh been Kidnapped, he had all the opportunity to complain of the same to Delhi Police on 112. Further, the CDRs of alleged accused persons were also scrutinized. The location of, alleged accused Teekam, at time of kidnapping is in Ghaziabad and there is distance of over 40kms between the location of the alleged accused Bir Singh and deceased, Janesh. Similarly, the location of another alleged accused Ankit on 18.04.2022, at the relevant time, as per CDR, is Sikkawala, which is far away (70kms) from the location of deceased Janesh. It has been established that on 19.04.2022, Ankit had attended the marriage of his friend. Also, alleged accused Subash was in Lucknow during 18.04.2022 to 22.04.2022. The same has also been corroborated by the contractor for whom Subash was working in Lucknow as well as the railway ticket produced by him. Thus, it was concluded that deceased, Janesh @ Nitin, was neither Kidnapped nor murdered, as alleged by the petitioner.

5. Having heard the learned counsels for the parties and perusing the record with their able assistance, it transpires that the petitioner seeks transfer of investigation to the CBI merely on the allegation that the local police did not act on an earlier complaint and that there exists a family land dispute. However, the State has constituted a Special Investigation Team (SIT) which conducted a thorough enquiry, examined call records, eyewitness accounts, and location



data, and found no substance in the allegations of abduction or murder. The daughters of the petitioner and other key witnesses declined to record their formal statements, which further undermines the credibility of the claims. The Supreme Court in ***State of West Bengal v. Committee for Protection of Democratic Rights, (2010) 3 SCC 571***, has clearly held that :

“....an order directing CBI investigation is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police.” The power to direct a CBI inquiry is to be exercised sparingly, cautiously and in exceptional situations where it becomes absolutely necessary to instill confidence in the investigation or where the incident has national/international ramifications....”

6. Similarly, in ***Vinay Aggarwal v. State of Haryana, 2025 INSC 433***, the Hon’ble Supreme Court reiterated that transfer of investigation to the CBI cannot be based on vague, unsubstantiated, or routine allegations. The Court held that *“High Courts must ensure that prima facie material exists to justify such exceptional directions.”* In the present case, no such material is presented that could lead this Court to believe that the investigation carried out by the SIT is biased or unfair. On the contrary, the record reflects that due diligence was exercised, and various leads including forensic and technological evidence were followed up. Mere dissatisfaction with the outcome of investigation or suspicion alone cannot be a ground to invoke the extraordinary jurisdiction under Section 482 Cr.P.C. for transfer of investigation to the CBI. In the present case, the SIT findings are based on technical and corroborated evidence. Hence, there is a categorical lack of any such *prima facie* material to dislodge their conclusion.



7. In *K.V. Rajendran v. Superintendent of Police*, (2013) 12 SCC 480, the Hon'ble Supreme Court held that transfer to CBI is not to be ordered routinely or merely because a party makes a grievance. Similarly, in *Romila Thapar v. Union of India*, (2018) 10 SCC 753, it was reiterated that mere allegations or perception of bias are insufficient. In *Poonam Sharma v. Union of India*, (2005) 1 SCC 122, the Court observed that unless mala fides are clearly established and supported by material, a CBI investigation should not be ordered.

8. In the present case, the SIT has conducted a detailed and thorough investigation, with no credible material to suggest bias or suppression. Thus, in view of the settled legal principles and the facts of the present case, no grounds are made out to direct a transfer of investigation to the CBI.

9. Accordingly, the present petition is dismissed. Pending miscellaneous applications, if any, shall also stand disposed of.

10. The High Court Legal Services Authority is directed to pay remuneration to the learned *Amicus Curiae*/Legal Aid Counsel, as per rules.

(HARPREET SINGH BRAR)
JUDGE

08.05.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No