



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

CRM-M No.57145 of 2024
Date of decision: 10th January, 2025

Harbinder Singh Chahal

... Petitioner

Versus

DGP UT Chandigarh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shivender Pal Singh, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor UT Chandigarh
for the respondent/UT.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the transfer of the investigation pertaining to FIR No.86 dated 01.05.2024 under Section 7 of the Prevention of Corruption Act, 1988 read with Section 120-B of the IPC registered at Police Station Sector 36, Chandigarh by Charanjeet Singh Virk, Deputy Superintendent of Police, SDPO, South West, Chandigarh, to the Central Bureau of Investigation (CBI). As per the allegations levelled in the instant FIR, ASI Amarjit Singh and Head Constable Darbara Singh transported accused Davinder Singh Gill @ Thapa from Civil Hospital, Roopnagar to the Courts at Chandigarh using a private vehicle instead of an official one, and permitted him to meet his brother in Mohali. Additionally, it was also recorded in the general diary that accused Davinder Singh Gill, who was supposed to be in judicial custody, was found at a Bar. The investigation in the aforementioned

FIR has since concluded, the challan has been presented and the trial is presently at the stage of recoding prosecution evidence.

2. The learned Public Prosecutor for the UT Chandigarh, at the outset, has challenged the maintainability of the instant petition, asserting that the petitioner has no locus standi, as he is neither the complainant nor the victim in the present case, but a third party with no direct connection to the matter.

3. The learned counsel for the petitioner, in response to a pointed query regarding his locus standi, has contended that accused Davinder Singh Gill, has duped multiple individuals, leading to the lodging of several FIRs against him, one of which was also filed by the petitioner. The learned counsel for the petitioner has alleged that the police are attempting to shield Davinder Singh Gill, thereby necessitating the transfer of investigation to the CBI.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The primary issue for determination is whether the petitioner possesses the requisite locus standi to seek a transfer of the investigation in a case where he is neither the complainant nor the victim.

6. Locus standi is a fundamental legal principle that requires the petitioner to have a direct and substantial interest in the subject matter of the litigation. In the context of criminal proceedings, this typically means that the petitioner should be the complainant, the victim, or otherwise directly affected by the outcome of the case.

7. In the present matter, it has been acknowledged by the learned counsel for the petitioner that the petitioner is not the complainant in the FIR under consideration. His connection to the

accused in separate cases does not confer upon him the standing to intervene in this distinct case. Permitting individuals who are neither complainants nor victims to challenge the conduct of investigations in unrelated cases could set a precarious precedent, potentially undermining the autonomy and efficacy of investigating agencies in performing their statutory duties.

8. Furthermore, the power to transfer an investigation is an extraordinary jurisdiction of the Court, to be exercised sparingly and in compelling circumstances. It needs to be reiterated that a person filing a petition must have a direct or indirect interest in the outcome and must act bona fide without abusing the process of law. In the present case, the petitioner has failed to establish such an interest or any compelling reason warranting the transfer of the investigation.

9. In the light of the above, this Court has no hesitation to observe that the petitioner lacks the necessary locus standi to file the present petition. Additionally, no sufficient grounds have been demonstrated to justify the issuance of the directions sought. Accordingly, the present petition is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 10, 2025
rps

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