



101 (01 CASE)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28092-2020 (O&M)

Date of Decision:12.03.2026

Parul @ Rubal

...Petitioner

Vs.

State of Haryana and Ors..

...Respondents

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent: Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to transfer the investigation in a case arising out of FIR No.364, dated 06.08.2020 (Annexure P-5), registered at Police Station Mahesh Nagar, Ambala to some independent investigating agency.

2. The FIR in the present case was registered on the basis of the statement made by Balkar Singh, SI and the same has been reproduced below:-

“Copy of complaint is as under: To, SHO, Police Station, Mahesh Nagar, Jai Hind. Today on 06.08.2020, I was present at Police Station, then at about 5:45 PM, telephone call was received from Constable Vinod Kumar, Security Agent of Police Station, Mahesh Nagar that Parul son of Suraj Parkash, resident of Puja Vihar is apprehended on the basis of suspicion of narcotics at Anand Medical Hall, Near Bus Stand Mahesh Nagar. As the information is correct and notice under Section 42 of NDPS Act has been sent through Constable Satbir Singh before Sh. Ram Kumar HPS/DSP, Ambala Cantt and I,. SI issued



Notice under Section 50 of the NDPS ACL to HC Jaspal Singh No.1 and HC Chandu Lal after reaching at the spot, near Bus Stand and said to the accused that I have suspected that you have some narcotic substances. Therefore, I have to search your cloth bag. You can get your bag searched from some Magistrate or Gazetted Officer. Upon which, Parul@Rubal son of Suraj Prakash, resident of Puja Vihar gave in writing that sir, I want to search the bag carrying in the hand of me from some Magistrate. Thereafter, I requested to Shri Kishan Kumar, Tehsildar, Ambala Cantt on his Mobile No. 9416397910 to reach at the spot. After reaching of Shri Kishan Kumar, Tehsildar, Ambala Cantt directed me to search the cloth bag carried by Parul @Rubal in his hand. That in pursuance of the order of Shri Kishan Kumar, Tehsildar, Ambala Cantt, I did make search of the cloth bag of grayish brown colour carrying by Parul Rubal. During search, 10 strips capsule, Marks SIMPLEX C (Tramadol Hydrochloride, Dicylomine) were recovered. The recovered capsules were weighed with the electronic machine and after weighing, one strip has weighed 18 grams and the weight of total 10 strips has come to as 180 grams. After putting the capsule strips in plastic box, the parcel of plastic box has been prepared and the parcel has been sealed with the seal of BS/5 and after using the seal, the same was handed over to HC Jaspal Singh. The parcel of capsule has been taken into possession by the police through memo. On the memo, the accused and witnesses have put their signatures. The memo of recovery and the parcel of capsule has been accepted by the Tehsildar and notice under Section 42, 50 of NDPS Act has been seen by him. Thereafter, the Drug Inspector Shri Sunil Chaudhary contacted on his Mobile No.86850-36908 and informed him in the matter. After waiting, Shri Sunil Chaudhary, Drug Inspector reached at



the spot. A written complaint has been given to him stating that today, 10 strips of capsule Marka SIMPLEX C (Tramadol Hydrochloride, Dicylomine) were recovered from Rubal @ Parul. Therefore, through application, it is requested whether the aforesaid capsule comes under the NDPS Act or not. On which, the Drug Inspector opined that "As per your dated 06.08.2020 as per level claim simplex c, capsules containing Tramadol, Hydrochloride is covered order NDPS Act as SNO 2382ZH That Rubal Parut has committed an offence under Section 21-61-85 of NDP'S Act by keeping 10 strips capsules Marka Rubal Tramadol, Hydrochloride, Dicyclomine in his possession. On which, ruka is being sent through HC Chandu Lai No. 62 to the Police Station for registration of case. After registration of case, case number be informed. The photocopies special reports of the First information Report be sent before the Illaqa Magistrate and as per the order of the Hon'ble Court, the enquiry officer be sent for further investigation. I, SI, is busy at the spot. Today, at Ambala, Jagadari Road, Near Bus Stand, Mahesh Nagar. Sd/-Balkar Singh, SI, Police Station, Mahesh Nagar, dated 06.08.2020 at 9:10 PM".

3. Learned counsel for the petitioner contends that the petitioner is working as a marketing agent and had no concern with the allegations levelled by the complainant in the FIR (Annexure P-5) in the present case. On 06.08.2020, the petitioner went to Jagadhari, Yamuna Nagar for supply of samples to Sham Oberoi. He also had to appear in an interview with a company at 10:00 AM on 06.08.2020 and he returned from Jagadhari at 04:30 P.M. While, he was sleeping at home, he received a telephonic call from Sonu Sonkar, a friend of petitioner at about 05:11 P.M and asked the petitioner to



come outside the police station. The conversation was recorded in the mobile phone of the petitioner. At about 05:30 P.M., the petitioner reached the police station and met Sonu Sonkar. Sunil Anand Advocate, Pardeep @ Sonu, Illam Singh were already present in the police station. Sunil Anand, Advocate and Sonu Sonkar told the petitioner that the petitioner has already been declared proclaimed offender in a case under Punjab Excise Act and he has to remain in custody for 2/3 days. He accordingly informed his mother and sister in this regard and the telephonic conversation was recorded. Even, the petitioner was taken in custody and even his family members were not allowed to meet him. On 08.08.2020, the mother of the petitioner came to know from judicial remand application that the present FIR No.364 dated 06.08.2020, under Section 21 of the NDPS Act was registered against the petitioner. Even, on enquiry, the mother of the petitioner came to know that on 06.08.2020 at about 03:00 P.M, the police had conducted raid at Anand Medical Hall and four boxes of capsule Marka SIMPLEX C (Tramadol Hydrochloride, Dicyclomine) were recovered from there and Pardeep @ Sonu and Illam Singh were arrested. However, after paying bribe, Pardeep @ Sonu and Illam Singh were spared and the petitioner was involved in the present case. Even, from the remand application of the petitioner, it was apparent that the name of Pardeep @ Sonu was mentioned as an accused in the present case and the petitioner was falsely involved. He further submits that in conspiracy with the owner of Anand Medical Store, the petitioner was made a scapegoat and was falsely involved. He further submitted Sonu Sonkar was doing the business of liquor, gambling and illegal drugs openly in the shop under the office of Sunil Anand, Advocate. He further contends that even, the CCTV footage of the nearby banks would clearly show



that the petitioner was falsely involved in the present case. Even, the mother of the petitioner had moved complaints to higher police officials, but no action was taken on the same.

4. On the other hand, vide order dated 17.9.2020, this Court had directed the Superintendent of Police, Ambala to investigate the matter personally and to associate the petitioner, during the course of investigation. He was directed to examine all the material available with the petitioner and to submit a report before this Court.

5. In compliance of the said order, a status report was filed by Superintendent of Police, Ambala, wherein, he stated that he had conducted the enquiry and prepared a detailed report in the present case. A regular departmental enquiry was also initiated against certain police officials, who were negligent in conducting the investigation in the present case. Even, S.P., Ambala had inspected the file and had associated petitioner and his mother in the enquiry and also recorded their statements. On 08.06.2020, a huge quantity of intoxicating capsules were recovered from the petitioner, however, the I.O had not bothered to see the source of supply of the contraband to the petitioner and action was taken against him.

6. Still further, vide order dated 31.07.2023, this Court had directed the Additional Director General of Police (ADGP), Crime Branch, Haryana to appoint a senior I.P.S officer from the Crime Branch, Haryana to investigate into the matter and the petitioner was also directed to join in the enquiry. He further submits that in compliance of the order dated 31.07.2023 passed by this Court, Ashok Kumar, Inspector General of Police, State Crime, Haryana was entrusted with the investigation of the present case and the investigation was



conducted in his presence. He further submits that even a S.I.T was constituted on 19.10.2023, comprising of A.D.G.P State Crime Branch, DSP State Crime Branch, Gurugram and Inspector, State Crime Branch, Gurugram and during the course of investigation, the statements of all the witnesses were recorded. He further submits that even the investigation conducted by the local police was also examined and it was found that the investigation was conducted in a proper and fair manner. Thus, the present petition deserves to be dismissed by this Court.

7. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

8. The investigation by the police in a criminal offence should be always independent, fair and impartial and should not leave a room for doubt in the minds of either the complainant or the accused that the investigation was not carried out fairly or had been carried out with some ulterior motive. Even, the Investigating Officer is not a person to strengthen the case of the prosecution, so as to ensure the conviction of an accused in the Court, but he must ensure that the truth prevails. Even, the police is guardians of liberty of innocent citizens and a duty is cast on the police to ensure that an independent person does not suffer due to wrong acts on the parts of the police. Even, it is also the duty of the Courts that an innocent person should not suffer from any unnecessary harassment or false implication. However, at the same time, the accused person may not be given an undue advantage to get the investigation transferred by levelling sensational and baseless allegations. The investigation has to be carried out with all fairness, irrespective of the social status of the accused or the complainant. Apart from that, it is always expected that the



investigation must be judicious, fair and transparent and must be conducted expeditiously, to ensure that rule of law prevails in the country.

9. The Hon'ble Supreme Court has held in the matter of **"K.V Rajendran Vs. Superintendent of Police, CBCID South Zone, Chennai and others 2013(12) SCC 480** as follows:-

"15.The issue involved herein, is no more res integra. This Court has time and again dealt with the issue under what circumstances the investigation can be transferred from the State investigating agency to any other independent investigating agency like CBI. It has been held that the power of transferring such investigation must be in rare and exceptional cases where the court finds it necessary in order to do justice between the parties and to instil confidence in the public mind, or where investigation by the State police lacks credibility and it is necessary for having "a fair, honest and complete investigation", and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies. Where the investigation has already been completed and charge sheet has been filed, ordinarily superior courts should not reopen the investigation and it should be left open to the court, where the charge sheet has been filed, to proceed with the matter in accordance with law. Under no circumstances, should the court make any expression of its opinion on merit relating to any accusation against any individual. (Vide: Gudalure M.J. Cherian & Ors. v. Union of India & Ors., (1992) 1 SCC 397; R.S. Sodhi v. State of U.P. & Ors., AIR 1994 SC 38; Punjab and Haryana Bar Association, Chandigarh through its Secretary v. State of Punjab & Ors., AIR 1994 SC 1023; Vineet Narain & Ors., v. Union of India & Anr., AIR 1996 SC 3386; Union of India & Ors.



v. Sushil Kumar Modi & Ors., AIR 1997 SC 314; Disha v. State of Gujarat & Ors., AIR 2011 SC 3168; Rajender Singh Pathania & Ors. v. State (NCT of Delhi) & Ors., (2011) 13 SCC 329; and State of Punjab v. Davinder Pal Singh Bhullar & Ors. Etc., 2012 (1) RCR (Criminal) 126: 2011 (6) Recent Apex Judgments (R.A.J.) 303).

16.In State of West Bengal v. Committee for Protection of Democratic Rights, 2010 (2) RCR (Criminal) 141, a Constitution Bench of Hon'ble the Apex Court has clarified that extraordinary power to transfer the investigation from State investigating agency to any other investigating agency must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigation or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights.

17.In Sakiri Vasu v. State of UP, 2008 (1) RCR (Criminal) 392 has held:-

"This Court or the High Court has power under Article 136 or Article 226 to order investigation by the CBI. That, however should be done only in some rare and exceptional case, otherwise, the CBI would be flooded with a large number of cases and would find it impossible to properly investigate all of them."

10. Keeping in view the aforesaid principles of law, it can be laid down that the High Court is having inherent powers under Section 482 Cr.P.C to transfer the investigation at any stage, but such inherent powers of the Court may be exercised, when it is necessary to give effect to any order of the Court or to prevent the abuse of the process of the Court or to secure the ends of



justice. In the present case, the petitioner/accused has raised a plea of alibi, which is a disputed question of fact and could be proved only during the course of trial.

11. Now, adverting to the facts of the present case, in the light of the aforementioned law, it is apparent that in the present case the investigation was firstly monitored by S.P., Ambala and he also constituted a S.I.T under his supervision. Later on, in compliance of the orders passed by this Court, an officer of the rank of A.DG.P had monitored the investigation and found the allegations against the petitioner to be correct. Apart from that, even, I.G State Crime has also carefully perused the file and it was found that there is no illegality in the investigation conducted so far by the SITs.

12. Thus, findings no merits, the present petition is ordered to be dismissed.

13. In the present case, the Court has been informed that the report was prepared by S.I.T of State Crime Branch, Haryana. Consequently, A.D.G.P Crime Brach, Haryana/Head of S.I.T is directed to file a complete report of investigation before the Competent Court of law, within a period of two months from today.

14. Pending application(s), if any, stand(s), disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

12.03.2026
hitesh

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