



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-20222 of 2024(O&M)

Reserved on: 16.09.2025

Date of Order:19.09.2025

Roshan Lal

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Dushyant Rana, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana

SHALINI SINGH NAGPAL, JUDGE

The petition under Section 482 Cr.P.C., seeks the following reliefs:-

- (i) To direct any independent agency like Central Bureau of Investigation (CBI) to carry out fair, impartial and unbiased investigation in FIR No.244, dated 17.10.2022, under Section 346 IPC (Section 306 IPC added later on), Police Station Buria, Yamuna Nagar.

OR

- (ii) To constitute and form a Special Investigation Team (SIT) for investigation.

Learned counsel for the petitioner *inter-alia* submits that petitioner's sister died on account of harassment, torture and atrocities inflicted by one Radhey, who had cheated her by making false promises to marry her. FIR No.244, dated 17.10.2022, under Section 346 IPC was got



registered by the petitioner. Later on, Section 306 IPC was added. Before committing suicide, deceased made video clip in her phone directly implicating Radhey. On 20.10.2022, dead body of deceased was found near village Fatehgarh. Representation was made before Superintendent of Police, Yamuna Nagar, requesting for impartial investigation and for taking action against accused, but no action was taken. Rather, police prepared cancellation report on 28.02.2024, on the lines that no case of abetment of suicide was made out and no action was required. It is, thus, prayed that constitution of Special Investigation Team be directed or the matter be got investigated from an independent agency like Central Bureau of Investigation. To support his arguments, learned counsel referred to **Anant Thanur Karmuse vs. State of Maharashtra and others, (2023) 5 SCC, 802.**

Learned State counsel has filed the status report opposing the protest. As per status report, the suspect Sanjay Gupta alias Radhe was joined in investigation and thoroughly interrogated. During investigation, no evidence was found against him and he was found innocent. On completion of investigation, cancellation report was submitted before the Court

In **Himanshu Kumar vs. State of Chhattisgarh, (2023) 12 SCC 592**, Hon'ble Supreme Court, after considering numerous judgments on the point, reiterated that investigation may be transferred to CBI only in "rare and exceptional cases". It was observed and held as under:-

*"45. A Constitution Bench of this Court, in the case of the State of West Bengal v. Committee for Protection of Democratic Rights, West Bengal, reported in (2010) 3 SCC 571, has made the following observations pointing out the situations where the prayer for investigation by the CBI should*



be allowed:

“70.... In so far as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such powers should be exercised, but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations 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. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”

46. In the above decision, it was also pointed out that the same court in *Secretary, Minor Irrigation & Rural Engineering Services, U.P. v. Sahngoo Ram Arya*, (2002) 5 SCC 521, had said that an order directing an enquiry by the CBI should be passed only when the High Court, after considering the material on record, comes to the conclusion that such material does disclose a prima facie case calling for an investigation by the CBI or any other similar agency.

47. In an appropriate case when the Court feels that the investigation by the police authorities is not in a proper direction, and in order to do complete justice in the case and if high police officials are involved in the alleged crime, the Court may be justified in such circumstances to handover the investigation to an independent agency like the CBI. By now it is well-settled that even after the filing of the charge sheet the court is empowered in an appropriate case to handover the investigation to an independent agency like the CBI.

48. The extraordinary power of the Constitutional Courts under *Articles 32 and 226* respectively of the Constitution of India qua the issuance of directions to the CBI to conduct investigation must be exercised with great caution as underlined by this Court in the case of *Committee for Protection of Democratic Rights, West Bengal* (supra) as



adverted to herein above, observing that although no inflexible guidelines can be *laid down* in this regard, yet it was highlighted that such an order cannot be passed as a matter of routine or merely because the parties have levelled some allegations against the local police and can be invoked in exceptional situations where it becomes necessary to provide credibility and instill confidence in the investigation or where the incident may have national or international ramifications or where such an order may be necessary for doing complete justice and for enforcing the fundamental rights.

49. ....

50. The above principle has been reiterated in *K.V. Rajendran v. Superintendent of Police, CBCID South Zone, Chennai*, (2013) 12 SCC 480. Dr. B.S. Chauhan, J. speaking for a three-Judge Bench of this Court held:

“13. ...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. ...”

51. Elaborating on this principle, this Court further observed:

“17. ... the Court could exercise its constitutional powers for transferring an investigation from the State investigating agency to any other independent investigating agency like CBI only in rare and exceptional cases. Such as where high officials of State authorities are involved, or the accusation itself is against the top officials of the investigating agency thereby allowing them to influence the investigation, and further that it is so necessary to do justice and to instil confidence in the investigation or where the investigation is *prima facie* found to be tainted/biased.”



52. *The Court reiterated that an investigation may be transferred to the CBI only in “rare and exceptional cases”. One factor that courts may consider is that such transfer is “imperative” to retain “public confidence in the impartial working of the State agencies.” This observation must be read with the observations made by the Constitution Bench in the case of Committee for [Protection of Democratic Rights, West Bengal](#) (*supra*), that mere allegations against the police do not constitute a sufficient basis to transfer the investigation.*

53. ....

54. ....

55. *The principle of law that emerges from the precedents of this Court is that the power to transfer an investigation must be used “sparingly” and only “in exceptional circumstances”. In assessing the plea urged by the petitioner that the investigation must be transferred to the CBI, we are guided by the parameters [laid down](#) by this Court for the exercise of that extraordinary power.”*

In [Anant Thanur Karmuse](#) (*supra*), also Hon'ble Supreme Court, after taking note of the various judicial precedents, observed that the Constitutional Courts may order further investigation/reinvestigation/ de novo investigation even after the charge-sheet is filed and the charges are framed.

Applying the above principles of law to the facts of the case in hand, the court is not convinced that the case is of such rare and exceptional character as to warrant an order for re-investigation/de novo investigation by Central Bureau of Investigation or by Special Investigating Team.

The case vide FIR No.244, dated 17.10.2022, came to be registered on complaint of petitioner-Roshan Lal, brother of the deceased, who stated that his deceased sister had an affair with Radhey, resident of Durga Garden, Jagadhri and both the them wanted to marry. Radhey initially agreed to marry her but later refused to marry his sister on which



account his sister was upset, angry and left home on her Activa at around 05:00 pm without telling them. She also made a video on her mobile and shared it with Pooja Rani. In the video, his sister was heard saying that Radhey had cheated her and she wanted to die. He and his father found his sister's scooter and mobile on the bank of Yamuna towards Dadupur Head. He suspected that his sister jumped into Yamuna out of anger.

From the status report submitted by the Deputy Superintendent of Police, Yamuna Nagar (Jagadhri) by way of his affidavit, it transpires that during the course of investigation, site was inspected, statements of witnesses were recorded, scooter and mobile phone of the deceased were taken into police possession. On 20.07.2022, the dead body was recovered and proceedings under Section 174 Cr.P.C. were conducted. Post mortem of the dead body was done and Section 306 IPC was invoked in the case. During further investigation, a pen drive containing the video prepared by the deceased in her mobile was recovered and call detail records of deceased and Sanjay @ Radhey were taken into police possession. It was revealed during investigation that deceased was married with one Monu, who she divorced. Thereafter, she performed second marriage with Sachin, resident of Madhya Pradesh, who also she divorced. Later, she developed intimacy with one Sandeep @ Kanu, resident of Durga Garden and got a criminal case registered under Section 376 IPC against him. In that case, Sandeep had been acquitted by the court on 08.04.2022. When Sanjay @ Radhey was joined investigation, he conceded that he was friends with deceased but when he learnt about her marital status and registration of case of rape, he blocked her mobile number and withdrew from the relationship on account



of which deceased started calling him repeatedly and also extended threats. On that basis, on 27.10.2023, a cancellation report was prepared in the case, when no evidence was found against Sanjay Gupta @ Radhey.

It is apposite to note that there are no specific allegations levelled by the petitioner against the Investigating Officer of the case or against superior officers. There is nothing on record to show that the investigation conducted by the police is either biased, tainted or one sided. The death by commission of suicide is not in dispute. The video clip prepared by the deceased immediately preceding her death was taken into possession by the police during investigation. The said video, in a pen drive has also been attached with the petition for perusal of the court. After going through the contents of the video clip, all that can be discerned is that the deceased held Radhey to be solely responsible for her death. In the video clip, deceased speaks of her love affair with said Sanjay Gupta @ Radhey and that he cared little even if she died. There is no material on record to convince that the investigating officer of the case has been influenced into submitting the cancellation report or that he has deliberately cancelled the case for extraneous consideration. To attract Section 306 IPC, there must be abetment or inducement of the victim to commit suicide. Even if the allegations levelled in the FIR and in the video clip of the deceased are taken at their face value, whether or not the offence under Section 306 IPC would be made out, would be a debatable. It is questionable whether refusal to marry or termination of love affair, would amount of abetment of suicide.

For the reasons aforesaid, there is no ground to direct investigation/re-investigation by Special Investigating Team or Central



Bureau of Investigation. The petition is, accordingly, dismissed.

Nothing observed hereinabove shall be construed as expression of opinion on merits of the case.

All the pending miscellaneous applications, if any, are also disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**19<sup>th</sup> September, 2025**  
**nt**

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