

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-1549-2010

Date of decision : 04.02.2015

Bikramjit Singh Sandhu and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.S.S.Sandhu, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.

The present petition under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') has been preferred for entrustment of investigation pertaining to FIR No.105 dated 20.08.2001 registered in Police Station Dasuya for offence punishable under Sections 307, 302 read with Section 34 of the Indian Penal Code (in short 'IPC') to an independent agency.

Counsel for the petitioners has contended that the petitioners are the victims of a barbaric cold-blooded murder of their father namely Sardar Pritam Singh Sandhu attacked by scooter borne assailants in the wee hours of 20.08.2001 while the deceased was sleeping outside his house situated on Dasuya-Hoshiarpur Road, Dasuya. The deceased was attacked with a sharp edged weapon resulting in deep injury on left side of his head and succumbed to his injuries on 24.08.2011 at Dayanand Medical College and Hospital at Ludhiana. It is argued that the petitioners expressed strong

suspicion on parental family of widow of the petitioners' brother (since deceased), living at a distance of 5 kms. only. They had a motive to commit the crime as they wanted to grab property of their deceased brother through his widow and the widow had grudge against the deceased as he used to object to her absence from the house for a number of days at a stretch without permission. It is further submitted that as the local police has failed to unearth the crime and bring the culprits to face consequences of their criminality, investigation in the matter may be referred to an independent agency preferably the Central Bureau of Investigation.

Counsel for the respondents, in line with the reply dated 03.05.2010 filed by way of affidavit of Baljit Singh Dillon, Deputy Superintendent of Police, Sub Division, Dasuya, District Hoshiarpur, status report by way of affidavit of Sukhjinder Singh, Deputy Superintendent of Police, Sub Division Dasuya, District Hoshiarpur dated 17.12.2012, status report filed by said Sukhjinder Singh dated 15.07.2013 and status report by way of affidavit of Varinder Singh, Deputy Superintendent of Police, Sub Division Dasuya, District Hoshiarpur dated 11.08.2014 has submitted that investigation in the matter was conducted by different police officers / officials from time to time but no material evidence came into light to point an accusing finger towards alleged suspects or to trace the real culprits. It is further submitted that the alleged suspects were joined in the investigation on various occasions but the suspicion expressed by the complainant party was found to be baseless and therefore, no action has been initiated against them. On the direction of ADGP, Punjab, Chandigarh, vide letter dated 31.08.2005, Inspector Chhajju Ram, SHO, Police Station Dasuya presented

cancellation report in the Court of Illaqa Magistrate but the same was not accepted and was returned with a direction to conduct further investigation. Again a cancellation report was submitted in the Court of Illaqa Magistrate on 09.12.2008 which was not accepted and sent back. It is argued with vehemence that the petitioners failed to produce any material before the investigating officers either to prima-facie establish involvement of the suspects or any other person. It is vehemently argued that as different officers assigned with investigation in the matter put their best efforts to unearth the crime but could not get any clue, no useful purpose would be served even if the investigation is entrusted to any other agency.

I have heard counsel for the parties and perused the records.

The present petition was filed by sons of the deceased in the year 2010 and from time to time, reports were filed in regard to status of investigation in the matter. Perusal of the reply filed by Sh.Baljit Singh Dillon, Deputy Superintendent of Police, Sub Division, Dasuya, District Hoshiarpur in May 2010 and the subsequent status reports filed by different authorities would make it manifest that investigation in the case was handled by different officers during different intervals of time. Counsel for the petitioners, in response to a pointed query raised by this Court has failed to point out if the investigating officer failed to investigate the case from a particular angle which could lead to clue qua involvement of the suspects in the crime. There is nothing on record to suggest that investigating officers intentionally or otherwise allowed any material evidence to go unnoticed. There is no material on record to evident that the investigating officers had any reason to shield the alleged suspects or any other person involved in

the crime.

Undoubtedly, the police has an obligation to unearth the crime and put the criminals to trial by submitting the report in the Court. Nevertheless, there are many cases in which the investigating agency is unable to get any clue and bring criminality of an accused on the surface. Keeping in view the facts and circumstances of the present case, I do not think it to be a fit case wherein intervention in exercise of jurisdiction under Section 482 Cr.P.C. is warranted or investigation is liable to be transferred to some other agency much less to the Central Bureau of Investigation just to satisfy anxiety of the petitioners.

It is unfortunate that father of the petitioners sustained injuries at the hands of assailants and succumbed to those injuries but the said fact is not sufficient to uphold their plea.

So far as the prayer to hand over investigation to the Central Bureau of Investigation, the said plea is not tenable when examined in the light of observations made by Hon'ble the Supreme Court of India in *State of West Bengal and others Vs. The Committee for Protection of Democratic Rights, West Bengal and others, 2010(2) RCR(Criminal) 141*.

Keeping in view the entire gamut of facts and circumstances discussed hereinbefore, finding no merit, the petition is dismissed leaving the parties to bear their own costs.

(REKHA MITTAL)
JUDGE

February 04, 2015.

DK