

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

CRM-M- 16539 of 2012
Date of Decision: 18.05.2015

Inderjeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.N. Malik, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner assailed inquiry report dated 18.10.2011 allegedly conducted by Superintendent of Police (D), Tarn Taran without leave of the Court. The aforesaid inquiry report was purportedly conducted in terms of Section 173 (8) Cr.P.C. The police investigated the case and found petitioner to be innocent. The name of petitioner was placed in column No.2. Challan was presented against Amrik Singh and Balbir Singh.

It is after filing of the challan, on the basis of some clue further investigation was sought without permission of competent Court. Learned counsel for the petitioner states that accused against whom challan was presented have already been acquitted by the trial Court. In view of **Manoj Narain Aggarwal Vs. Shashi Aggarwal and ors, 2009 (2) RCR (Criminal) 803**, the police cannot undertake further investigation

without leave of the Court. The aforesaid view has been reiterated in the recent judgment of Hon'ble Supreme Court in **2013 (2) RCR (Criminal) Vijay Tyagi Vs. Ishar Ali @ Deepak and ors.**

In view of aforesaid, inquiry report No.153-SAP dated 18.10.2011 conducted in terms of Section 173 (8) Cr.P.C is not legally sustainable.

Consequently, petition is allowed and inquiry so conducted is held to be bad in law for want of prior permission from the competent Court.

May 18, 2015
prince

(RAJ MOHAN SINGH)
JUDGE