

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

CRM-M-30557-2013

Date of decision: 19.05.2015

Ashok Kumar Jain

... Petitioner

Vs.

State of Punjab and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Akshay Jain, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner, by way of instant petition under Section 482 Cr.P.C., seeks handing over the investigation in FIR No.60 dated 10.08.2013 under Section 22 of NDPS Act, 1985, registered at Police Station Bhikhi, District Mansa, to some independent agency like Central Bureau of Investigation or any other independent agency outside the State of Punjab.

Notice of motion was issued and pursuant thereto, reply has been filed on behalf of the respondents.

Learned counsel for the State, on instructions from ASI Shivji Rana, Police Station Bhikhi, District Mansa, submits that an effective investigation was conducted and on conclusion thereof, cancellation report was presented to the learned Court of competent jurisdiction, which has been accepted by the learned Court. He submits that in this view of the matter, present petition does not survive and the same may be disposed of, as having been rendered infructuous.

On the other hand, learned counsel for the petitioner submits that against the order passed by learned trial Court accepting the cancellation report, a revision petition has been filed by the State which is pending consideration. He still insists for handing over the investigation in the abovesaid FIR, to the CBI. He refers to the averments taken in para 7 of the affidavit dated 25.01.2015, to contend that the petitioner has been falsely implicated in the present case.

After hearing the learned counsel for the parties at considerable length, careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since the cancellation report has been prepared and presented to the learned Court of competent jurisdiction which has been duly accepted by the learned trial Court, present petition does not survive and the same is disposed of, as having been rendered infructuous.

[RAMESHWAR SINGH MALIK]
JUDGE

19.05.2015
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