

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

233

CRM-M-31627-2014

Date of Decision: October 5, 2015

HARMANDEEP SINGH AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Navjinder Singh Sidhu, Advocate
for the petitioners

Mr.Gazi Mohamad,DAG,Punjab

Mr.A.S.Brar, Advocate
for respondents No.6 to 13

M.M.S.BEDI, J.(Oral)

This is a petition under Section 482 CrPC filed by the petitioners for direction to entrust the investigation of FIR No.94 dated 07.07.2014 under Sections 447/379/434/120B IPC, Police Station Nihal Singh Wala, Moga to an independent agency contending that petitioners have been falsely implicated in this case. Petitioners also seek direction for protection of life and liberty.

On instructions from ASI Gurjinder Singh it has been informed that the FIR has been registered against the petitioners but challan has not been presented. The allegations against the petitioners in the FIR are that on the basis of application filed by DDPO Moga before the Senior Superintendent of Police, Moga, the FIR was registered on the allegation that a demarcation was conducted by Kanungo whereas the petitioners had removed the *Khuntas* of demarcation in the presence of police and taken un-authorised possession of the land.

Taking into consideration the nature of the allegations, I do not find sufficient ground to issue any direction for transfer of investigation. However, a direction is issued that the investigation will be conducted under the supervision of Senior Superintendent of Police, Moga without prejudice to the rights of the Gram Panchayat and the authority under the Punjab Village Common Land Act to take proceedings in accordance with law and protect the property of the Gram Panchayat in possession of the petitioners.

Disposed of with the above directions.

It is however, directed that during the course of the investigation any civil litigation between the parties would also be taken into consideration.

October 5, 2015
TSG

(M.M.S.BEDI)
JUDGE