

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

**Crl. Misc. No. M-5147 of 2013 (O&M)
Date of decision : 14.01.2015**

Raghbir Singh	versus	Petitioner
State of Punjab & others		...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Damanjit Sandhu, Advocate for
Mr. A.G.S. Dhillon, Advocate for the petitioner.
Mr. Gurveer Sidhu, AAG, Punjab.

RITU BAHRI , J. (Oral)

This petition under Section 482 Cr.P.C. is for transfer the case FIR No.348 dated 28.09.2008 under Sections 302, 201, 34 IPC registered at Police Station Tripri Patiala for fair and impartial investigation to some independent agency like CBI.

Earlier, the petitioner had filed CRM-M-11176 of 2009 for directions to the official respondents No.1 to 4 to take necessary action against respondents No.5 to 9 i.e. Mahinder Pal Singh @ Makhan, Amarjit Singh, Harjit Kaur, Kulwant Singh and Karamjit Kaur. This petition was disposed of on 06.05.2009 (Annexure P-1) on the instructions given by the counsel appearing for the State that the investigation will be concluded within one month. Thereafter, the contempt petition was filed in this Court, which was disposed of vide Annexure P-3 on the statement made by counsel for the State that the investigation would be concluded and report under Section 173 Cr.P.C. shall

be filed within four weeks.

In response to present petition, on notice a first reply has been filed by Mr. Harpal Singh, Deputy Superintendent of Police City-2, Patiala that after registration enquiry was conducted and untraced report was filed in the Court and after hearing the petitioner in the untraced report dated 25.01.2012, the case was fixed for conducting further investigation. The complainant-Balwinder Singh had joined the investigation and was directed to produce the evidence orally or written. On 10.07.2012, Maghar Singh son of Dilla Singh resident of Raongla and Raghvir Singh son of Ram Singh had joined the investigation. On 28.07.2012, Ujagar Singh Ex-Sarpanch son of Uttam Singh resident of Rongla and Surjit Kumar son of Sandhu Ram had joined the investigation. On 12.08.2012, Gurbax Singh Nambardar son of Sucha Singh had joined the investigation. On 01.10.2012, Gurtej Singh son of Dila Singh had joined the investigation. On 28.11.2012, Ravinder Singh son of Gian Singh and on 24.01.2013, Parkash Singh son of Prem Singh had joined the investigation. Thereafter on 01.03.2013, untraced report was again made. Charanjit Kaur daughter of the petitioner was married with Maninder Pal Singh son of Amarjit Singh and after marriage, she gave birth to one baby girl. On 13.01.2008, real sister of Charanjit Kaur namely Paramjit Kaur and nephew Maninder Singh visited the house of Charanjit Kaur on the eve of Lohri to deliver dishes. On that day, Harjit Kaur mother-in-law of Charanjit Kaur made a complaint to Paramjit Kaur that Charanjit

Kaur has committed a theft of one gold ring and Rs.500/-. On this Paramjit Kaur gave a piece of advice to Charanjit Kaur not to do such mistakes and thereafter she left the house of Charanjit Kaur. Being ashamed with the allegation of theft, Charanjit Kaur went missing on the night of 13/14.01.2008 and she was not traceable. The allegation of murder of Charanjit Kaur leveled by the petitioner has no documentary evidence as the dead body of Charanjit Kaur has not been recovered so far. Moreover, there was no eye witness of the occurrence. Thereafter, further investigation was carried out and status report was filed on 29.10.2014. In para 3 of this reply, it is stated that the petitioner has failed to produce any evidence and the case was sent as untraced. Pursuant to the order dated 30.10.2014, affidavit of Gurdev Singh dated 24.11.2014 has been filed. Observation of the test report is as under:-

“Charanjit Kaur had a disturb marital life. Charanjit Kaur used to go out of the house only with her family member. Harjeet Kaur used to scold Charanjit Kaur for her stealing habit. The expert advised to the Police to investigate the behaviour of Charanjit Kaur with Maninder Pal her husband and Harjeet Kaur mother-in-law. Her poor frustration, tolerance and her capacity to handle disturb situation.”

In paragraph 4 of the report it is stated that the test has been conducted and after test the investigation was carried out by Inspector Harpal Singh and Karanher Singh. As per the investigation carried out, Charanjit Kaur had poor tolerance and did not have capacity to handle disturb situations. During enquiry, the allegation that Maninder Pal Singh, Kulwant Singh

son of Amarjit Singh and Amarjit Singh son of Bachana Singh, Harjeet Kaur wife of Bachan Singh, Karamjit Kaur wife of Kulwant Singh have murdered Charanjit Kaur and thrown her dead body in the Bhakhara canal was found to be wrong as there was no evidence that they have thrown the body into Bhakhara Canal and the address mentioned in the complaint was found to be ake and the complaint was filed.

After going through three test reports, no further direction is required to be given.

Disposed of accordingly. However, the petitioner shall be at liberty to avail his remedy in accordance with law, if so advised.

14.01.2015
Vinay

(RITU BAHRI)
JUDGE