

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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**C.M. Nos. 20135-36-CII of 2015 &
COCP No. 242 of 2014 (O&M)**

Date of decision: 23.11.2016

Ishar Singh

...PETITIONER

VS.

Parshotam Singh

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Atul Lakhanpal, Sr. Advocate,
with Mr. Rajwant Singh Chahal, Advocate,
for the petitioner.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab,
for the respondent.

Mr. Gurvinder S. Sandhu, Advocate,
for Mr. D.S.Randhawa, Advocate,
for the Intervener.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present contempt petition has been filed alleging non-compliance of the order dated 21.09.2013 (Annexure P-4) passed by the Judicial Magistrate Ist Class, Fatehgarh Sahib Camp Court at Amloh, whereby while referring to its earlier order dated 16.04.2010 where the Investigating Officer was directed to proceed according to the Scientific as well as Forensic evidence, in pursuance whereof, the cancellation report was submitted, which, on perusal, was found to be not satisfactory, rather it was commented upon that the investigation in the case has not been done

done by the DSP, Amloh again observing that he shall proceed according to the Scientific and Forensic evidence and not merely on the statement of the witnesses. Apart from this, assertion was that the order dated 16.04.2010 passed by the Sub-Divisional Judicial Magistrate, Amloh has also not been complied with, wherein directions were issued to register an FIR of murder recording the version of the petitioner Isher Singh as complainant. A detailed order has been passed earlier on the application moved by the petitioner and the said order was passed in pursuance to and in compliance with the order passed by this Court on 20.10.2009 in CWP No. 7491 of 2009 titled as Ishar Singh vs. State of Punjab and others.

Vide order dated 18.12.2014 passed in Crl. Misc. No. M-33868 of 2010, this Court directed the constitution of the Special Investigating Team (in short 'SIT'). Accordingly, SIT was constituted by the Director General of Police which had started investigation but the same was not completed and, therefore, the investigation was directed to be completed within a period of one month from the date of the order i.e. 07.05.2015 in the present contempt. Thereafter, status reports have been filed and on 24.09.2015, an application was filed for extension of time to complete the investigation, which was allowed granting three months time and the case was adjourned for 19.11.2015. Thereafter, on various dates case has been heard, directions issued and status/compliance reports filed. An appropriate application was required to be filed by the Member of the SIT before the competent Court for conduct of the Narco Analysis and Polygraph test of the petitioner and others, on which an order has been passed by the Sub-Divisional Judicial Magistrate, Amloh on 10.08.2016 which has been produced in Court.

I have heard the counsel for the parties in detail today and have gone through the records of the case.

A perusal of the same would show that the SIT, which has been constituted by this Court in pursuance to the order passed by this Court in Crl. Misc. No. M-33868 of 2010 dated 18.12.2014, is still in the process of investigation. Learned senior counsel for the petitioner as also the counsel for the respondent had made submissions on merits of the investigation, which is being conducted by the SIT. However, this Court has purposely not commented thereon for the reason that as of now, the investigation by the SIT is not complete and in any case, on completion of the investigation, the same has to be presented to the competent Court, which shall, thereafter, proceed to pass appropriate orders in accordance with law.

Learned counsel for the State-respondent has submitted that the report of the SIT has been completed and submitted to the Director Bureau of Investigation on 08.11.2016 and a final decision thereon is likely to be taken within a period of four weeks. This he states, on instructions from Inspector Gurinder Singh Bal O/o CIA Sirhind, District Fatehgarh Sahib.

In view of the above, this Court is of the considered view that as of now, no contempt of Court is made out against the respondent as after passing of the fresh orders by this Court from time to time, the period has been extended for completion of the investigation by the SIT, which has been constituted in pursuance to the directions issued by this Court dated 18.12.2014 in Crl. Misc. No. M-33868 of 2010 preferred by the petitioner. A direction is, thus, issued to the SIT to finalize its report at the earliest and in any case, not beyond a period of two months from today and submit it to the competent Court as per the provisions of the Code of Criminal

Procedure within a further period of one month.

With the above observations/directions, the present contempt petition stands disposed of.

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In the light of the disposal of the main petition, no orders are required to be passed in these applications and the same, therefore, stand disposed of.

November 23, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**