

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14452-2012 (O & M)
Date of decision:10.05.2016

Salwinder Singh @ Sinda

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner.

Mr. Navkiran Singh, Advocate,
for the applicant (in CRM-13418-2016).

Mr. Gautam Dutt, Amicus Curiae.

Mr. A.S. Jattana, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

Learned amicus curiae submits that in view of instructions dated November 16, 2012, issued by the DGP, multiple enquires are not permissible. Even the Code does not envisage such enquires. A superior official can merely exercise power in terms of Section 36 thereof. According to him, law on this issue had clearly been laid down in *H.N. Rishbudh and another versus State of Delhi*, AIR 1955 SC 196. Besides, instructions have been issued vide letter dated December 17, 2012, which reads:-

"It is hereby directed that proper procedure as prescribed in Chapter IX of Code of Criminal Procedure 1973 be strictly followed and normally no enquiry be undertaken after presentation of the final report u/s 173 of Cr.P.C., without the permission of concerned court."

After hearing counsel for the parties, it appears however that

repeated enquires are being undertaken by the police in various matters without following procedure prescribed by law or the instructions issued by the DGP. There is, thus, an urgent need to take remedial measures.

Mr. Jattana, learned State counsel assures the court that needful shall be done by the Home Secretary/DGP.

In view of statement made by learned State counsel, no further direction from this court is necessary at this stage. Petitioner has already been granted the concession of interim bail vide order dated January 15, 2013. As the trial has made considerable progress, interim order is hereby made absolute.

It has been brought to the notice of this court that an enquiry has been conducted against the applicant-Ranbir Singh. Needless to observe that in case any reply is filed by him, same would be taken into consideration by the concerned authority. All the pleas raised by the applicant in the instant application (CRM-13418-2016) would be considered.

Disposed. of.

10.05.2016
sukhpreet

(RAJAN GUPTA)
JUDGE