

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14356 of 2016
Date of Decision: 26.10.2016

Amandeep Kaur

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Pankaj Bhardwaj, Advocate, for the petitioner.

Mr.A.P.S.Gill, AAG, Punjab.

Mr.Sumeet Goel, Advocate, for respondent No.4-CBI.

Mr.Anurag Arora, Advocate, for respondent Nos.5 to 11.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing the order dated 20.04.2016 passed by DGP Punjab-Respondent No.2 (Annexure P-1), being suffering from jurisdictional error as also in direct conflict with the directions dated 11.07.2014 rendered in LPA No.630 of 2014 and/or in the alternative to hand over the investigation of the FIRs being investigated by the SIT to the CBI-Respondent No.4 and for the grant of other reliefs as prayed hereunder.

Learned counsel for the petitioner has referred to the order dated 11.07.2014 passed in LPA No.630 of 2014 (Annexure P-10), whereby, it was ordered that a proper independent probe i.e. SIT was to be constituted and the said SIT would work under the supervision of the ADGP (Crime) and if the ADGP (Crime) was of the view that any Member of the SIT needs to be replaced, he would be free to do so.

A perusal of the Annexure P-1 shows that DGP, Punjab, had constituted the SIT by passing the order dated 20.04.2016, which should not have been passed.

In view of the above, the instant petition is allowed and the order dated 20.04.2016 passed by DGP Punjab-Respondent No.2 (Annexure P-1) is set aside by giving directions to the ADGP, Punjab (Chandigarh), to comply with the order dated 11.07.2014 (Annexure P-10) and pass a fresh order for constituting the SIT again.

(RITU BAHRI)
JUDGE

26.10.2016
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No