

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 226

Criminal Miscellaneous No.M-17125 of 2014 (O & M)
Date of Decision: May 19, 2016

Maghar Singh

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Gurinder S. Sandhu, Advocate, for the petitioner.

Mr. K.S. Pannu, Deputy Advocate General, Punjab.

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Jaspal Singh, J

1. By virtue of this petition preferred under Section 482 Cr.P.C., petitioner – Maghar Singh has sought issuance of direction to respondent Nos.2 and 3 for doing fair and impartial investigation in case FIR No.7 dated January 9, 2014 under Section 365 IPC, registered at Police Station, Lehra District Sangrur, and further, for issuance of direction to respondent Nos.2 and 3 to protect his life and liberty at the hands of respondent Nos.4 and 5.

2. Brief facts of the case are that petitioner got married with Manjeet Kaur @ Amandeep Kaur daughter of Gaga Singh resident of Saidewala. From the wedlock, a son namely Gurdeep Singh was born on January 22, 2008. On May 11, 2008, in the absence of petitioner, his wife alongwith minor Gurdeep Singh left her matrimonial home. He enquired for them at his in-laws house but he was threatened of dire consequences. Petitioner, then, approached respondent No.3 – SHO, Police Station, Lehra, District Sangrur, for taking action against his father-in-law Gaga Singh son of Mangat Singh, mother-in-law Balvir Kaur, Bhura Singh & Maru Singh, sons of Mangat Singh, alleging that he has apprehension that his wife and son have been killed or sold by them. Petitioner, thereafter, approached respondent No.2 – SSP, Sangrur vide letter dated December 5, 2012 (Annexure P-1). He also sent an application (Annexure P-2) to Punjab State Human Rights Commission. Petitioner again approached respondent Nos.2 and 3 vide letters dated January 23, 2013 (Annexure P-3) and April 29, 2013 (Annexure P-4), respectively. However, respondents registered FIR No.7 dated January 9, 2014 under Section 305 IPC against unknown persons but Balvir Kaur, mother-in-law of petitioner has been named as complainant.

3. The main allegation of petitioner is that even after registration of aforesaid FIR, no action has been taken by the police to trace out the whereabouts of his wife and minor son. Respondent Nos.4 and 5 called him at the police station and got his signatures on blank papers and threatened him in case he approached higher authorities, then a false case under the NDPS Act will be lodged against him.

4. An occurrence allegedly took place on May 11, 2008, regarding which, FIR was registered on January 2014 and investigation was

initiated. Since, petitioner was not satisfied with the investigation being conducted, he approached this court by way of this petition.

5. Latest status report has been furnished by way of affidavit of Akashdeep Singh Aulakh, PPS, Deputy Superintendent of Police, Sub Division, Moonak, District Sangrur, in compliance of order dated February 16, 2016. A perusal of the report reveals that enquiry was made from respondent Nos.4 and 5 who remained Investigating Officers of this case. They also made efforts to trace out the whereabouts of missing persons but despite their best efforts, no clue of missing persons was found.

6. No doubt, it is pretty settled that if primacy is given to such designed or negligent investigation, to the omissions or lapses by perfunctory investigation or omissions, the faith and confidence of the public would be shaken not only in the law enforcing agency but also in the administration of justice in the hands of courts. At the same time, every citizen has got a right of fair and impartial investigation and it is the duty of Investigating Agency to find out the truth from the falsehood and to bring all real facts to fore and to book those who are responsible for the crime.

7. Without commenting upon the allegations levelled by the petitioner in the petition, which may not cause any prejudice to either of the parties, this Court is of the considered view that investigation of this case appears to be perfunctory and it is necessary that the matter be probed/investigated by independent agency with an object to find out the truth and to take action against persons responsible for the crime.

9. In the light of what has been discussed above, instant petition is allowed and investigation of FIR No.7 dated January 9, 2014 under Section 365 IPC, registered at Police Station, Lehra District Sangrur,, shall stand transferred to Crime Branch of the State of Punjab, which shall

investigate the matter afresh by a senior responsible officer, to be nominated by the Additional Director General of Police (Crime), Punjab, under his direct supervision.

10. The State is directed to hand over the entire record to the Incharge, Crime Branch, Punjab, within a period of 15 days from the date of receipt of a certified copy of this order. Investigation be completed within a period of 9 months thereafter.

May 19, 2016
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(Jaspal Singh)
Judge