

**231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2640-2016

Date of decision: December 14, 2016

Gurdip Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 482 of Code of Criminal Procedure, petitioner has sought handing over/transfer of the investigation pertaining to FIR No.40 dated 19th July, 2014 under Sections 302/201/34 of Indian Penal Code, Police Station SGN Dev Thermal Plant Bathinda (Punjab) to CBI or any other independent agency.

Undoubtedly, DDR No.12 dated 2nd June, 2012 was got recorded at Police Station Thermal, Bathinda with regard to missing of his son by Gurdeep Singh-petitioner but the dead body of the son of the petitioner was cremated by the police without informing the petitioner on 3rd June, 2012. Even from the documents available on record, it appears that DDR is also not in accordance with the application (Annexure P-1) moved by Gurdip Singh. Some additional facts have been incorporated in the DDR (Annexure P-2) to the effect that the petitioner has stated that *“nobody is at fault in this. He do not have any grudge against anybody.*

We do not want action against anybody. Police proceeding.” There

appears no basis or foundation for recording these police proceedings which is beyond the version of Gurdip Singh unfolded in Annexure P-1 i.e. an application moved to SHO, Police Station Thermal, Bathinda seeking tracing out his son Lakhwinder Singh @ Lucky bearing phone No.75086-14498. No doubt, subsequent thereto, Special Investigation Team was also formed and it is stated to have investigated the matter but without any substantive result some suspicion has also been raised qua SHO Jagdish Lal and ASI Rup Singh against whom the disciplinary proceedings have also been initiated by the senior police officers, which otherwise appears to be an eyewash.

Thus, this Court is not satisfied with the investigation conducted so far either by the investigating agency or by the Special Investigation Team. Accordingly, the investigation of this case is withdrawn from District Ferozepur and stands transferred/entrusted to the IG, Crime Branch Bureau of Investigation, Punjab within a period of 15 days from the date of receipt of certified copy of this order. It is further directed that the investigation shall be conducted by an officer not below the rank of DSP Bureau of Investigation of the Punjab State. Bureau of Investigation shall also look into the role of SHO Jagdish Lal and ASI Rup Singh, who handled the investigation at the initial stage as well as the other persons involved in the matter and submit its report within the period of 04 months from the date of receipt of case file. However, if petitioner still feels dissatisfied, he may approach this Court again.

December 14, 2016

m. sharma

(JASPAL SINGH)

JUDGE

**Whether Speaking/Reasoned
Whether Reportable**

**Yes/No
Yes/No**