

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

CRM-M No.25998 of 2015

Date of decision: September 26, 2016

Dalbir Saroha

...Petitioner

Versus

DIG of Central Bureau of Investigation, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Agnihotri, Advocate
for the petitioner.

Mr. Sumeet Goel, Advocate and
Mr. Sangram Singh, Advocate
for the respondent.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition, petitioner has sought direction to the Deputy Inspector General of Central Bureau of Investigation, Chandigarh to investigate the matter in compliance of the direction issued by the Chief Judicial Magistrate, Sonapat, vide order dated 18th March, 1998 in *Criminal Complaint No.274/1/1997* captioned as “*Shri Om Parkash Chugh vs. Officers of the Police Station (City), Sonipat and/or persons unknown*”.

In response to notice of motion issued to the CBI (respondents), a reply has been filed but no case by the CBI has been registered as per the case. In view of the order dated 18th March, 1998, the old record register of the branch for the period from 22nd March, 2002 to 3rd August, 2007 (Volume II) shows that the file bearing No.HC-05/1998/SCB/CHG containing 1 to 89 pages pertaining to the murder of Vinod Kumar son of Om Prakash Chugh remained open from 26th March, 1998 to 16th December, 1999. The said file was destroyed on

30th September, 2014, after weeding out exercise, as it had become due for destruction. Further it has been pointed out that no case appears to have been registered in the matter and no record of any appeal having been filed by the CBI against the said order is available.

In view of the aforesaid facts and circumstances of the case as well as the fact that the instant petition has been filed approximately after an expiry of more than 16 years, no such direction has been sought by the petitioner, can be given specially in view of the fact that no case in view of the order dated 18th March, 1998 passed by the Chief Judicial Magistrate has been registered.

Accordingly, the instant petition stands disposed of. However, the petitioner shall be at liberty to have recourse to other remedies available to him under law.

September 26, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No