

CRM-M-36959-2015

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

CRM-M-36959-2015 (O & M)

Date of Decision: 23.09.2016

Neelam Rani and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amit Kumar Jain, Advocate for
the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Charanjit Bakshi, Advocate,
for the applicant in CRM Nos.17651-52-2016

INDERJIT SINGH, J.

Petitioners, Neelam Rani and Satpal Puri have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') against the respondents, State of Punjab, Director General of Police, Punjab, Commissioner of Police, Ludhiana and Station House Officer, Police Station Salem Tabri, District Ludhiana for issuance of direction for conducting further investigation under Section 173 (8) Cr.P.C. by the Central Bureau of Investigation (for brevity, 'C.B.I.') in case FIR No.148 dated 25.05.2015, registered at Police Station Salem Tabri, District Ludhiana, under Sections 302/34 IPC.

Notice of motion was issued. Learned State counsel put in

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appearance on behalf of respondent Nos.1 to 4 and contested this petition.

Reply was also filed on behalf of respondent Nos.1 to 4.

I have heard learned counsel for the parties and perused the record.

From the arguments as well as record, it is clear that after completion of investigation, challan has already been presented against the accused; charges have already been framed; 11 material witnesses have already been recorded and now only 8 witnesses remain to be examined. The FIR was got registered by applicant-Seema Khosla, but during the investigation, she was made accused for committing the murder of her husband. The present petitioners, as argued, are not the witnesses in that case; neither they had seen the occurrence, nor they have any material evidence against any other additional accused. During the investigation, no case was found against any other additional accused. Otherwise also, if there is any evidence against any other additional accused, then an application under Section 319 Cr.P.C. can be filed for summoning those additional accused. Section 173 (8) Cr.P.C. provides for further investigation and the case is not to be re-investigated. The Punjab Police has investigated the case and filed the challan and now further investigation cannot be held by the C.B.I. Furthermore, as already discussed, there is no material before this Court produced or relied upon from which it can be held that the case should be investigated from the CBI. Furthermore, if the petitioners, who are neither the complainant nor the witnesses in the trial, want further investigation, then they could move application before the trial

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Court which can look into the same keeping in view the facts and circumstances of the case. But no such application has been filed before the trial Court for further investigation.

At the time of arguments, learned counsel for private respondent argued that the present petitioners only want to grab the property by impleading the daughter of respondent and her son-in-law etc. in this case so that they can be disinherited.

Without discussing the facts in minute details or without expressing any opinion on the merits of the case as trial is going on before learned Sessions Court, I find that there is no merit in the present petition.

Dismissed.

23.09.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No