

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40857 of 2015
DECIDED ON: JANUARY 28, 2016

AJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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?

Present: Mr. R.K. Arya, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of orders dated May 06, 2015 and June 05, 2015 (Annexures P-3 and P-4) passed by learned Judicial Magistrate Ist Class, Batala and order dated November 03, 2015 passed by learned Sessions Judge, Gurdaspur.

2. Notice of motion to respondent No.1 only at this stage.
3. At the asking of Court, Mr. A.S. Jattana, Addl. AG, Punjab accepts notice on behalf of respondent-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of day.
4. As per the facts enumerated in the petition, FIR No. 54 dated May 25, 2007 under Sections 379, 427, 430, 506, 148 and 149 IPC at Police Station Qadian, Police District Batala, District Gurdaspur in pursuance of directions issued by this Court in CRM No. M-41088 of 2007 captioned as **Gurpreet Kaur**

v. State of Punjab and others.

5. Thereafter, investigation was conducted and after completion thereof, challan against respondents No.2 to 5 was presented to face trial under Sections 379, 427, 430, 506, 148 and 149 IPC. No doubt the trial remained pending for a sufficient long period and ultimately last opportunity was granted to the prosecution to conclude its evidence. Though, entire evidence except the Investigating Officer stands concluded. It is very strange to note that Investigating Officer who is supposed to pursue the matter pending before learned trial Court, is himself abstaining from the court proceedings. Such an action of the Investigating Officer deserves to be deprecated.

6. Without commenting on the facts and other circumstances narrated in the petition but considering it expedient that ends of justice would meet in case a direction is issued to learned trial Court to grant one effective opportunity to the prosecution to examine ASI Randhir Singh, Investigating Officer.

7. Accordingly, instant petition is disposed of with a direction to the concerned Court to provide an effective opportunity to prosecution to examine ASI Randhir Singh, Investigating Officer on the date as is convenient to it. At the same time Senior Superintendent of Police, Police District, Batala is directed to ensure the presence of ASI Randhir Singh before learned trial Court on the date fixed by it.

8. Consequently, impugned orders Annexures P-3 to P-5 passed by learned trial Court stand set aside. Copy of this order be sent to the concerned Court for its compliance.

JANUARY 28, 2016
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(JASPAL SINGH)
JUDGE